



# भारत का राजपत्र

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

### भाग II—खण्ड 3—उप-खण्ड (ii)

### PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)  
केन्द्रीय प्राधिकारियों द्वारा जारी किए गए, सर्वाधिकार आदेश और अधिसूचनाएं

**Statutory Orders and Notifications issued by the Ministries of the Government of India  
(other than the Ministry of Defence) by Central Authorities  
(other than the Administrations of Union Territories)**

#### भारत निर्वाचन आयोग

#### आदेश

नई दिल्ली, 19 फरवरी, 1979

कां० 1072.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन के लिए 201-कैज (अ०जा०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री थोराट शामराव लक्ष्मणराव, श्री० मंगवाडगांव, कैज तालुका, भिरजिला, महाराष्ट्र लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा वांछित करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री थोराट शामराव लक्ष्मणराव को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० महा-वि०सं०/201/78(106)]

#### ELECTION COMMISSION OF INDIA

#### ORDERS

New Delhi, the 19th February, 1979

S.O. 1072.—Whereas the Election Commission is satisfied that Shri Thorat Shamrao Laxmanrao, @ O. Mangwadgaon, Kaij Taluk, Bhir District, Maharashtra a contesting candidate for General Election to the Maharashtra Legislative Assembly held in February, 1978 from 201-Kaij (SC) Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Thorat Shamrao Laxmanrao to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/201/78(106)]

नई दिल्ली, 20 फरवरी, 1979

कां० 1073.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन के लिए 201-कैज (अ०जा०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार

श्री सतने भगवान गुंडाजी, प्लॉट नं० 9 विजय निवास, जयसिंहपुर, औरंगाबाद, महाराष्ट्र लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्द्वारा बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सतने भगवान गुंडाजी को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० मन्त्रालय-वि०सं०/201/78(109)]

New Delhi, the 20th February, 1979

**S.O. 1073.**—Whereas the Election Commission is satisfied that Shri Sasane Bhagwan Gundaji, Plot No. 9 Vijay Niwas, Jaisingpura Aurangabad, Maharashtra a contesting candidate for General Election to the Maharashtra Legislative Assembly held in February, 1978 from 201-Kaij (SC) constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sasane Bhagwan Gundaji to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/201/78 (109)]

**का०जा० 1074.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन के लिए 201-कैज (प्र०जा०) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सारबादे नामदेव वामन निवासी तलनारी, डाक० धाकर, कैज तालुक, भिर जिला, महाराष्ट्र लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्द्वारा बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सारबादे नामदेव वामन को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० मन्त्रालय-वि०सं०/201/78(110)]

**S.O. 1074.**—Whereas the Election Commission is satisfied that Shri Sarwade Namdeo Waman, R/o Talnari, Post Dharur, Kaij Taluk, Bhir District, Maharashtra a contesting candidate for General Election to the Maharashtra Legislative Assembly held in February, 1978 from 201-Kaij (SC)

constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sarwade Namdeo Waman to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/201/78(110)]

**का०जा० 1075.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए आन्ध्र प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 12-थेरलाम निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री टाड्डे रामाराव, ग्राम-गरभम, चीपूरुपल्ली तालुक, श्रीकाकुलम जिला (आन्ध्र प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्द्वारा बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री टाड्डे रामाराव को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० प्रा०प्र०-वि०सं०/12/78(14)]

**S.O. 1075.**—Whereas the Election Commission is satisfied that Shri Tadde Ramarao, Garbham Village, Cheepurupalli Taluk, Srikakulam District (Andhra Pradesh), a contesting candidate for general election to the Andhra Pradesh Legislative Assembly held in February, 1978 from 12-Therlam constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Tadde Ramarao to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-LA/12/78(14)]

**का० जा० 1076.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन के लिए 51-भायुप निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार

श्री भाटिया जोगिन्द्र सिंह गुरुदयाल सिंह, 133/2402, विक्रोली (पूर्व), बम्बई-400083 लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री भाटिया जोगिन्द्र सिंह गुरुदयाल सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० महानं-वि० सं०/51/78(108)]

**S.O. 1076.**—Whereas the Election Commission is satisfied that Shri Bhatia Joginder Singh Gurudayal Singh, 133/2402, Vikroli (East), Bombay-400083, (Maharashtra) a contesting candidate for General Election to the Maharashtra Legislative Assembly held in February, 1978 from 51-Bhandup constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bhatia Jogindra Singh Gurudayal Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/51/78(108)]

**का० जा० 1077.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए तमिलनाडु विधान सभा के लिए साधारण निर्वाचन के लिए 22-चेंगलपट्टु निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री एस० ए० काली नयागार, बाजार स्ट्रीट, सदरम कल्पक्कम डाक०, चेंगलपट्टु तालुक तमिलनाडु लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, उक्त उम्मीदवार द्वारा दिये गये प्रत्यावेदन पर विचार करने के पश्चात्, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री एस० ए० काली नयागार, को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० तं०ना०-उ०प्र०/22/77(11)]

**S.O. 1077.**—Whereas the Election Commission is satisfied that Shri S. A. Kali Nayagar, Bazar Street, Sadras, Kalpakkam P. O., Chengalpattu Taluk (Tamil Nadu), a

contesting candidate for general election to the Tamil Nadu Legislative Assembly held in June, 1977 from 22-Chengalpattu assembly constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri S. A. Kali Nayagar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-LA/22/77(11)]

**का० जा० 1078.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए तमिलनाडु विधान सभा के लिए साधारण निर्वाचन के लिए 22-चिंगलपट्टु निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री ए० ई० महबूब बाशा, पुदुपट्टीनम, कल्पक्कम डाक०, चिंगलपट्टु तालुक (तमिलनाडु) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री ए० ई० महबूब बाशा को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० तं०ना०-उ०प्र०/22/77(12)]

**S.O. 1078.**—Whereas the Election Commission is satisfied that Shri N. E. Mahboob Basha, Pudupattinam, Kalpakkam P.O., Chengalpattu Taluk (Tamil Nadu), a contesting candidate for general election to the Tamil Nadu legislative assembly held in June, 1977 from 22-Chengalpattu assembly constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri N. E. Mahboob Basha to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council or a State for a period of three years from the date of this order.

[No. TN-LA/22/77(12)]

नई दिल्ली, 21 फरवरी, 1979

**का० जा० 1079.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए महाराष्ट्र विधान सभा के लिए साधारण निर्वाचन के लिए 168-किनवात निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सैयद मोसमान अली कसम अली, निवासी-शिवाजीनगर, किनवात, किनवात तालुक, नांदेड जिला, महाराष्ट्र लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

श्रीर, यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यायीचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सैयद मोसमान अली कसम अली को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा प्रयत्न विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० महान-वि० सं०/168/78(113)]

New Delhi, the 21st February, 1979

**S.O. 1079.**—Whereas the Election Commission is satisfied that Shri Syed Osman Ali Kasam Ali, R/o. Shivajinagar Kinwat, Kinwat taluk, Nanded District, Maharashtra a contesting candidate for General Election to the Maharashtra Legislative Assembly held in February, 1978 from 168-Kinwat constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Syed Osman Ali Kasam Ali to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/168/78(113)]

नई दिल्ली, 24 फरवरी, 1979

**का०आ० 1080.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए उड़ीसा विधान सभा के लिए साधारण निर्वाचन के लिए 41-सालेपुर (अ० जा०) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अर्जुन सेठी, ग्राम-कलनापुर, डाक० सालेपुर, कटक जिला (उड़ीसा) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, उक्त उम्मीदवार द्वारा दिये गये अभ्यावेदन पर विचार करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यायीचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री अर्जुन सेठी को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा प्रयत्न विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० 76-उड़ीसा-वि० सं०/41/77]

New Delhi, the 24th February, 1979

**S.O. 1080.**—Whereas the Election Commission is satisfied that Shri Arjun Sethi, Village Kolanapur P. O. Salepur, District Cuttack (Orissa) a contesting candidate for general election to the Legislative Assembly held in June, 1977 from 41-Salepur (SC) Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Arjun Sethi to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. 76/OR-LA/41/77]

**का० आ० 1081.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 45-फुलेरा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री गोपाल सिंह, ग्राम और डाकखाना-बंडेल, तहसील-फुलेरा, जिला-जयपुर (राजस्थान) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, उक्त उम्मीदवार द्वारा दिए गए अभ्यावेदन पर विचार करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यायीचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री गोपाल सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रयत्न विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०-वि० सं०/45/77(1)]

**S.O. 1081.**—Whereas the Election Commission is satisfied that Shri Gopal Singh, Village and Post Office Khandel, Tehsil Phulera, District Jaipur (Rajasthan), a contesting candidate for election to the Rajasthan Legislative Assembly from 45-Phulera Assembly Constituency, held in June, 1977 has failed to lodge any account of election expenses required by the Representation of the People Act, 1951, and the Rules made thereunder.

And whereas after considering the representation made by the candidate the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of Section 10A of the said Act, the Election Commission hereby declares the said Shri Gopal Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/45/77(1)]

नई दिल्ली, 9 मार्च, 1979

**का०आ० 1082.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए तमिल नाडु विधान सभा के लिए साधारण निर्वाचन के लिए 129-पलानी (अ० जा०) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री आई० बधराकाली, पुत्र इरुलापपम, 31, बनिआर स्ट्रीट, पलानी, जिला मदुराई (तमिलनाडु) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यायीचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री आई० बथराकाली को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवेदन की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० त० न०-ब० स०/129/77(14)]

New Delhi, the 9th March, 1979

**S.O. 1082.**—Whereas the Election Commission is satisfied that Shri I. Bathrakali, son of Irulappan, 31, Vaniar Street, Pulani, Madurai District, Tamil Nadu, a contesting candidate for the General election to the Tamil Nadu Legislative Assembly, held in June, 1977 from 129-Palani (SC) Constituency has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And Whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri I. Bathrakali to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-LA/129/77(14)]

नई दिल्ली, 15 मार्च, 1979

**क्र०भा० 1083**—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1977 में हुए तमिलनाडु लोक सभा के लिए साधारण निर्वाचन के लिए 17-तिरुचेंगोडे निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सी० सीरानगम, 33-किरामादाई, सुरामपट्टी रोड, एरोड, तालुक एरोड, जिला सालेम, (तमिलनाडु) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित समस्त के अन्तर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और यतः उक्त उम्मीदवार द्वारा दिये गये अभ्यावेदन पर विचार करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सी० सीरानगम को संसद के किसी भी सदन के या किसी राज्य की विधानसभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवेदन की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० त० न०-लो० स०/17/77(2)]

New Delhi, the 15th March, 1979

**S.O. 1083.**—Whereas the Election Commission is satisfied that Shri C. Seerangam, 33, Kiramadai, Surampatti Road, Erode, Taluka Erode, District Salem (Tamil Nadu), a contesting candidate for election to the House of the People from 17-Tiruchengode constituency held in March, 1977, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri C. Seerangam to be disqualified for being chosen as, and for being, a member of either House of Parliament or

of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-HP/17/77(2)]

**क्र० भा० 1084**—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1977 में हुए तमिलनाडु लोक सभा के लिए साधारण निर्वाचन के लिए 17-तिरुचेंगोडे निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सी० राजालिंगम, इच्छीपालायाम पोस्ट, तालुक एरोड, जिला सालेम (तमिलनाडु) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सी० राजालिंगम को संसद के किसी भी सदन के या किसी राज्य की विधानसभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवेदन की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० त० न०-लो० स०/17/77(3)]

आदेश से,

बी० नागसुब्रमण्यन, सचिव

**S.O. 1084.**—Whereas the Election Commission is satisfied that Shri K. Rajalingam, Ichpalayam Post, Erode Taluka, Salem District (Tamil Nadu), a contesting candidate for the general election to the House of the People from 17-Tiruchengode constituency held in March, 1977, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K. Rajalingam to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-HP/17/77(3)]

By Order,

V. NAGASUBRAMANIAN, Secy.

## MINISTRY OF HOME AFFAIRS

New Delhi, the 19th March, 1979

**S.O. 1085.**—In exercise of the powers conferred by section 3 of the Passport (Entry into India) Act, 1920 (34 of 1920) the Central Government hereby makes the following rules further to amended the Passport (Entry into India) Rules 1950, namely :—

- (1) These rules may be called the Passport (Entry into India) Amendment Rules 1979.
- (2) They shall come into force on the date of their publication in the official Gazette.

2. In the Passport (Entry into India) Rules, 1950, the fourth proviso to clause (iii) of rule 5 shall be omitted.

[No. 14011/13/78-F. I(I)]

**S.O. 1086.**—In exercise of the powers conferred by section 3 and section 3A of the Foreigners Act, 1946 (31 of 1946), the Central Government hereby rescinds, with immediate effect, the Foreigners from Uganda Order 1972 except as respects things done or omitted to be done thereunder.

[No. 14011/13/78-F. I(II)]  
R. A. S. MANI, Dy. Secy.

## MINISTRY OF FINANCE

(Department of Revenue)

### CORRIGENDUM

New Delhi, the 12th March, 1979

**S.O. 1087.**—In the Department's Order No. S. O. 72(E), dated the 5th February, 1979 published in the Gazette of India Extraordinary, Part II, Section 3(ii) of 5th February, 1979, the following corrections of the English version shall be carried out :—

Sub clause (ii) of clause (a) should be read as below :—

"(ii) it shall not be sold within the country without the specific authorisation from the Gold Control Administrator;"

[F. No. 143/9/78 G.C. II]

M. G. VENUGOPALAN, Dy. Secy.

## वाणिज्य मंत्रालय

### आदेश

नई दिल्ली, 31 मार्च, 1979

**क्र.सं. 1088.**—केन्द्रीय सरकार की राय है कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक तथा समीचीन है और निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) को धारा 6 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए गैस सिलेण्डर, निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे :

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं और उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम II के उप-नियम (2) की अपेक्षानुसार निर्यात निरीक्षण परिषद् को भेज दिया है :

अतः, अब, केन्द्रीय सरकार उपनियम के अनुसरण में तथा भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का.सं. 2304 तारीख 16 जुलाई, 1977 को अधिकांश करने हुए उक्त प्रस्तावों को ऐसे व्यक्तियों को जानकारी के लिए प्रकाशित करती है कि जिनके उससे प्रभावित होने की संभावना है।

2. सूचना दी जाती है कि यदि उक्त प्रस्तावों के बारे में कोई व्यक्ति कोई आपेक्ष या सुझाव भेजना चाहता है तो वह उन्हें इस आदेश के राजपत्र में प्रकाशित होने की तारीख से पैंतासीस दिन के भीतर निर्यात निरीक्षण परिषद् 14/1 बी, एजुरा स्ट्रीट कलकत्ता-1 को भेज सकता है।

### प्रस्ताव

(1) अधिसूचित करना कि गैस सिलेण्डर निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे :

(2) इस आदेश के उपाबंध 1 में दिए गए गैस सिलेण्डर के निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1979 के प्रारूप के अनुसार क्वालिटी; नियंत्रण और निरीक्षण के प्रकार को, क्वालिटी नियंत्रण और निरीक्षण के ऐसे प्रकार के रूप में विनिर्दिष्ट करना जो ऐसे गैस सिलेण्डरों को निर्यात से पूर्व लागू होगा;

(3) (क) सुसंगत भारतीय मानक विनिर्देशों या कोई अन्य राष्ट्रीय मानक विनिर्देशों को मान्यता देना :

(ख) उन विनिर्देशों को जो उक्त खंड (क) के अंतर्गत नहीं आते हैं परन्तु निर्यातकर्ता द्वारा घोषित ऐसे मानकों की परीक्षा और अनुमोदन के प्रयोजन के लिए निर्यात निरीक्षण परिषद् द्वारा नियुक्त विशेषज्ञों के पैतल द्वारा अनुमोदित हैं, गैस सिलेण्डरों के लिए सांख्यिकी विनिर्देशों को मानक विनिर्देशों के रूप में मान्यता देना।

(4) अन्तर्राष्ट्रीय व्यापार के दौरान ऐसे गैस सिलेण्डरों के निर्यात को तब तक प्रतिषिद्ध करना जब तक कि उसके साथ निर्यात (क्वालिटी नियंत्रण और निरीक्षण अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन केन्द्रीय सरकार द्वारा स्थान या मान्यता प्राप्त अधिकरणों में से किसी के द्वारा जारी किया गया इस आदेश का प्रमाणपत्र न हो कि गैस सिलेण्डर क्वालिटी नियंत्रण और निरीक्षण से संबंधित शर्तों को पूरा करते हैं तथा निर्यात योग्य हैं या उन पर उक्त अधिनियम की धारा 8 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त मुद्रा या चिह्न लगा हुआ है :

2. इस आदेश को कोई भी बात भावी श्रेताओं को भूमाग, जलमार्ग या वायु मार्ग द्वारा गैस सिलेण्डर के उत नमूनों के निर्यात पर लागू नहीं होगी जिनका पोतपर्यन्त निःशुल्क मूल्य एक सौ पच्चीस (125/-) रुपये से अधिक नहीं है।

3. इस आदेश में "गैस सिलेण्डर" से सम्पीडित या तरल गैस के भण्डार या परिवहन के लिए प्रयुक्त 250 लिटर तक की क्षमता वाले बाब आधान अभिप्रेत हैं।

### उपाबंध 1

[निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 के अधीन बनाए जाने वाले प्रस्तावित नियमों का प्रारूप]

1. संक्षिप्त नाम तथा प्रारम्भ :—(1) इन नियमों का संक्षिप्त नाम गैस सिलेण्डरों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1979 है।

(2) ये . . . . . को प्रवृत्त होंगे।

2. परिभाषा :—(1) इन नियमों में जब तक कि संदर्भ से, अन्यथा अपेक्षित न हो :—

(क) "अधिनियम" से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है;

(ख) "अधिकरण" से अधिनियम की धारा 7 के अधीन केन्द्रीय सरकार द्वारा मुम्बई, कलकत्ता, कोचीन, दिल्ली और मद्रास में स्थापित मान्यताप्राप्त अधिकरणों में से कोई अधिकरण या कोई अन्य संगठन अभिप्रेत है;

(घ) "गैस सिलेण्डर" से तरल या सम्पीडित गैसों के भण्डार या परिवहन के लिए प्रयुक्त 250 लिटर तक की क्षमता वाला बाब आधान अभिप्रेत है।

3. निरीक्षण का आधार तथा प्रक्रिया :—(1) निरीक्षण यह सुनिश्चित करने की दृष्टि से किया जाएगा कि निर्यात के लिए आशयित गैस सिलेण्डर उपाबंध 2 में या उपाबंध 3 में विनिर्दिष्ट नियंत्रण-स्तरीयों का प्रयोग करते उत्पादित किए गए हैं और उनकी क्वालिटी अधिनियम की धारा 8 के अधीन केन्द्रीय सरकार द्वारा मान्यताप्राप्त विनिर्देशों के अनुरूप हैं।

(2) गैस सिलेण्डर के लिए निरीक्षण की निम्नलिखित स्कीमों में से कोई एक स्कीम अपनाई जाएगी। अर्थात्:—

- (क) स्वयं प्रमाणीकरण:—(i) कोई भी विनिर्माता यूनिट जो परिशिष्ट II में सूचीबद्ध मानवर्षों को पूरा करता है वह निर्यात निरीक्षण परिषद् घमन बैम्बर्स (पांचवीं मंजिल) 113, महर्षि कर्वे रोड, बम्बई-400004 के क्षेत्रीय कार्यालय को आवेदन करेगा।
- (ii) परिषद् द्वारा नियुक्त पैनलों में सब कोई एक पैनल ऐसे यूनिट में जाएगा तथा यह बताएगा कि क्या वहां प्रभावशाली क्वालिटी आश्वासन पद्धति संतोषजनक रूप से चल रही है।
- (iii) पैनल द्वारा अनुमोदित यूनिटों को अधिनियम की धारा 7 के अधीन मान्यता दी जाएगी जिससे कि वे अपने निर्यात परेषणों की निर्यात योग्यता का प्रमाण-पत्र जारी कर सकें।
- (iv) ऐसी मान्यता एक वर्ष की अवधि के लिये विधिमाम्य होगी तथा उसके पश्चात् प्रभावी क्वालिटी आश्वासन पद्धति के जारी रहने के आधार पर पुनः नवीकृत की जाएगी।

परन्तु यदि केन्द्रीय सरकार की राय है कि किसी भी विनिर्माता यूनिट को दी गई मान्यता, जन हित में, वापिस ले ली जाए तो केन्द्रीय सरकार उन यूनिट को एक उपयुक्त अवसर देने के पश्चात् अधिनियम की धारा 7 के अधीन मान्यता वापिस ले सकेगी।

- (ख) प्रक्रिया क्वालिटी नियंत्रण (i) कोई भी विनिर्माता यूनिट जिसके पास उपबन्ध III के अनुसार प्रक्रियागत क्वालिटी नियंत्रण की पर्याप्त व्यवस्था है, परिषद् के नीचे दिये गये निकटतम कार्यालय को आवेदन करेगा:

निर्यात निरीक्षण परिषद्,

14/1-बी, एजरा स्ट्रीट,

कलकत्ता-700001.

क्षेत्रीय कार्यालय:

1. निर्यात निरीक्षण परिषद्,  
घमन बैम्बर्स, पांचवीं मंजिल,  
113, महर्षि कर्वे रोड,  
बम्बई-400004.
2. निर्यात निरीक्षण परिषद्,  
मनोहर बिल्डिंग,  
महात्मा गांधी रोड,  
एर्नाकुलम,  
कोचीन-682001.
3. निर्यात निरीक्षण परिषद्,  
म्युनिसिपल भाकॉट, बिल्डिंग,  
3, सरस्वती मार्ग, करोल बाग,  
नई दिल्ली-110005.

- (ii) निर्यात निरीक्षण परिषद् तब विनिर्माता यूनिट जाएगा और यह देखेगा कि प्रक्रियागत क्वालिटी पद्धति संतोषजनक रूप से कार्य कर रही है या नहीं।

3. गैस सिलेण्डरों के निरीक्षण तथा प्रमाणीकरण के लिये निम्नलिखित प्रक्रिया अपनाई जाएगी, अर्थात्:—

- (क) उप-नियम (2) के खंड (क) के अधीन स्वयं प्रमाणीकरण स्कीम के अन्तर्गत मान्यताप्राप्त कोई विनिर्माता यूनिट, उसके द्वारा विनिर्मित निर्यात परेषणों की निर्यात योग्यता का प्रमाण-पत्र जारी करेगा।

(ख) (i) गैस सिलेण्डरों के निर्यात करने का इच्छुक कोई निर्यात-कर्ता (स्वयं प्रमाणीकरण स्कीम के अधीन मान्यताप्राप्त विनिर्माता यूनिटों से भिन्न) ऐसा करने के अपने प्राणय की सूचना लिखित रूप में देगा तथा ऐसी सूचना के साथ ऐसे निर्यात से संबंधित निर्यात संविदा में दी गई सभी तकनीकी विशेषताओं का विवरण देते हुए, विनिर्देशों का धोषणा पत्र किसी भी अभिकरण को देगा ताकि वह उप-नियम (2) के स्टम्भ (ख) के अनुसार निरीक्षण कर सके।

(ii) वह उसी समय ऐसी सूचना की एक प्रति निरीक्षण के लिए अभिकरण के कार्यालय को देगा।

(ग) उपनियम (2) के खंड (ख) के अधीन अनुमोदित यूनिटों द्वारा विनिर्मित उत्पादों के निर्यात के लिए निर्यातकर्ता ऐसी सूचनाओं के साथ एक धोषणा पत्र भी देगा कि निर्यात के लिए आशयित गैस सिलेण्डरों का विनिर्माण उपबन्ध III में अधिकृत क्वालिटी नियंत्रण के अनुसार किया गया है तथा परेषण इस प्रयोजन के लिए मान्यताप्राप्त विनिर्देशों की अपेक्षाओं के अनुरूप है।

(घ) खंड (ख) के अधीन प्रत्येक सूचना तथा धोषणा, विनिर्माता के परिसर से परेषण के भेजे जाने के कम से कम दो सप्ताह पूर्व अभिकरण तथा परिषद् के कार्यालय में अवश्य पहुंच जानी चाहिये।

(ङ) निर्यात-कर्ता अभिकरण को परेषण पर लगाए गए पहचान चिह्न भी देगा।

(च) खंड (ख) के अधीन सूचना तथा धोषणा प्राप्त होने पर, अभिकरण अपना यह समाधान कर लेने पर कि विनिर्माण की प्रक्रिया के दौरान, यूनिट ने उपबन्ध III में यथा उपबन्धित पर्याप्त क्वालिटी नियंत्रण का प्रयोग किया है तथा इस संबंध में परिषद् द्वारा जारी किये गए निवेदों, यदि कोई हों, का अनुसरण किया है तो वह तीन दिन के भीतर इस धोषणा का प्रमाण-पत्र जारी करेगा कि गैस सिलेण्डरों का परेषण निर्यात योग्य है किन्तु अभिकरण का कांक्षित निरीक्षणों द्वारा यह सुनिश्चित करेगा कि विनिर्माण परिसरों में पर्याप्त नियंत्रण रखा जाता है।

(छ) अभिकरण द्वारा यथापेक्षित रूप में, निर्यातकर्ता निरीक्षण तथा परीक्षण के लिए परेषण में से गैस सिलेण्डरों के नि:शुल्क नमूने देगा। तथापि ऐसे नमूने निरीक्षण आदि के पश्चात् अभिकरण द्वारा लौटा दिए जाएंगे।

4. मान्यताप्राप्त चिन्ह लगाना तथा उसकी प्रक्रिया:—भारतीय मानक संस्थान (प्रमाणीकरण चिन्ह) अधिनियम, 1952 (1952 का 36), भारतीय मानक संस्थान (प्रमाणीकरण चिन्ह) नियम, 1955 तथा भारतीय मानक संस्था (प्रमाणीकरण चिन्ह) विनियम, 1955 के उपबन्ध निर्यात से पूर्व गैस सिलेण्डरों पर मुद्रा या मान्यताप्राप्त चिन्ह लगाने की प्रक्रिया से संबंध में यथा संभव लागू होंगे तथा इस प्रकार चिह्नित गैस सिलेण्डर नियम 3 के अधीन किसी भी निरीक्षण के अधीन नहीं होंगे।

5. निरीक्षण का स्थान:—इन नियमों के अधीन निरीक्षण ऐसे विनिर्माण या अन्य परिसरों में किया जाएगा जहाँ परीक्षण तथा निरीक्षण के लिए पर्याप्त सुविधाएं उपलब्ध हैं।

6. निरीक्षण फीस:—निर्यात-कर्ता द्वारा अभिकरण को निरीक्षण फीस निम्नलिखित रूप में दी जाएगी।

(क) स्वयं प्रमाणीकरण स्कीम के अधीन यूनिटों के लिये:—

5 लाख रुपये प्रतिवर्ष तक के निर्यात के लिए 1,000 रुपये प्रतिवर्ष।

5 लाख से अधिक और 25 लाख रुपए प्रतिवर्ष तक के निर्यात के लिए 2,500 रुपए प्रतिवर्ष ।

25 लाख से अधिक और 5 लाख रुपए प्रतिवर्ष तक के निर्यात के लिए 5,000 रुपए प्रतिवर्ष ।

50 लाख से अधिक और 100 लाख रुपए प्रतिवर्ष तक के निर्यात के लिए 10,000 रुपए प्रतिवर्ष ।

100 लाख रुपए प्रतिवर्ष से अधिक के निर्यात के लिए 20,000 : रुपए प्रतिवर्ष ।

- (ख) प्रक्रियागत क्वालिटी नियंत्रण योजना के अधीन यूनिटों के लिए प्रत्येक परेक्षण के लिए न्यूनतम और सौ रुपये के अधीन रहते हुए, पोत पर्यन्त निःशुल्क मूल्य के सौ रुपए के लिए बीस पैसे की दर से ।

7. अपील:—(1) नियम 3 के अधीन अभिकरण द्वारा प्रमाण-पत्र देने से इंकार कर दिए जाने से व्यक्ति व्यक्ति, अभिकरण द्वारा ऐसे इन्कार की सूचना की प्राप्ति से दस दिन के भीतर, केन्द्रीय सरकार द्वारा बनाए गए विशेषज्ञों के पैनल को, जिसमें कम से कम तीन व्यक्ति होंगे, अपील कर सकेंगे ।

(2) पैनल के विशेषज्ञों की कुल संख्या के दो-तिहाई सदस्य गैर-सरकारी सदस्य होंगे ।

(3) पैनल की गणपूर्ति तीन से होगी ।

(4) अपील प्राप्त होने से पन्द्रह दिन के भीतर निपटा दी जाएगी

#### उपाबंध 2

(नियम 3 देखिए)

स्वयं प्रमाणीकरण के मापमान

(i) यूनिट के पास सभी संक्रियाओं के लिए प्रमाणी तथा व्यापक क्वालिटी नियंत्रण व्यवस्था होनी चाहिए ।

(ii) क्वालिटी नियंत्रण व्यवस्था एक उच्च स्तर के एक कुशल तकनीकी व्यक्ति के अधीन होनी चाहिए तथा उसे उस अधिकारी को रिपोर्ट नहीं देनी चाहिए जो उत्पादन का प्रभारी है ।

(iii) यूनिट के पास न केवल उसके उत्पादों के लिए अपितु क्रय किए गए सम्पूर्ण कच्चे माल तथा संघटकों के लिए विस्तृत कम्पनी मानक होने चाहिए । ऐसे कम्पनी मानक संबंधित भारतीय मानक विनिर्देशों क्वालिटी से चटिया नहीं होने चाहिए ।

(iv) यूनिट के पास नेमी तथा स्वीकृत परीक्षणों और यथासंभव टाईप परीक्षणों के लिए भी, अपनी सुविधाएं उपलब्ध होनी चाहिए । इसके अतिरिक्त यूनिट के पास, उसके द्वारा प्रयुक्त मापकों (गेजों) पर प्रभावशाली मौसम संबंधी नियंत्रण रखने के लिए, आवश्यक उपस्कर होने चाहिए ।

(v) यूनिट को, मानक विनिर्देशों के अनुसार अपने उत्पादन की अनुरूपता को सुनिश्चित करने के लिए परीक्षण की आवश्यकता की ओर उन गुणधर्मों को जिनका परीक्षण किया जाएगा, दर्शाते हुए अपनी परीक्षण तथा निरीक्षण की योजना स्पष्ट रूप से अधिककृत करनी चाहिए । केवल परीक्षण की योजना का विद्यमान होना ही पर्याप्त नहीं है, अपितु यूनिट को अपनी दक्षता के बारे में स्वतंत्र पैनल का समाधान करना होगा ।

(vi) निर्यात किया जाने वाला माल तथा स्वयं प्रमाणीकरण के अधीन प्रमाणित किया जाने वाला माल, सम्बद्ध भारतीय मानक या अन्य किसी मान्यताप्राप्त राष्ट्रीय मानक के अनुरूप होना चाहिए ।

(vii) यूनिट का, भारत में तथा समुद्र पार भंडारों में, कम से कम 3 वर्ष की अवधि के लिए, निरन्तर उपभोक्ता-संतुष्टि का अभिलेख रखना चाहिए । बिना इन विनिर्माण तथा पैकिंग की शिकायतें न्यूनतम होनी चाहिए

और एसी कोई शिकायत होने की दशा में, यूनिट को सुधार के लिए प्रभावी तथा सकारात्मक उपाय करने चाहिए और उपभोक्ताओं का संतोष सुनिश्चित करना चाहिए ।

(viii) ऐसे सहायक यूनिटों द्वारा सीधे निर्यात की दशा में, जो भारत में मा० ई० विनिर्माताओं को भी माल भेजते हैं उनके पास कम से कम 3 वर्ष के लिए ऐसे सहायक यूनिटों को भेजे गये क्वालिटी प्रमाण का पूरा अभिलेख होना चाहिए ।

(x) उन पर विद्ये गये मानवण्डों के अतिरिक्त, यूनिटों से अपेक्षा की जायेगी कि उनके पास नियत प्रक्रियागत नियंत्रण की व्यवस्था हो ।

#### उपाबंध 3

(नियम 3 देखिए)

प्रक्रियागत क्वालिटी नियंत्रण

निर्यात के लिए आशयित गैस सिलेण्डरों की क्वालिटी को विनिर्माता विनिर्माण के विभिन्न स्तरों पर निम्नलिखित नियंत्रणों का प्रयोग करते, सुनिश्चित करेंगे, अर्थात् :—

1. क्रय की गई सामग्री तथा संघटक नियंत्रण : (क) प्रयुक्त किए जाने वाले संघटकों या सामग्री की विशेषताओं तथा सहायताओं सहित उनकी विस्तृत विमाओं का समाविष्ट करते हुए विनिर्माता द्वारा क्रय विनिर्देश अधिककृत किये जाएंगे ।

(ख) स्वीकृत परेक्षणों के साथ या तो क्रय विनिर्देशों की अपेक्षा की संपुष्टि करते हुए उत्पादक परीक्षण प्रमाण-पत्र होना अथवा ऐसे परीक्षण प्रमाण-पत्र के न होने पर, क्रय विनिर्देशों से इसकी अनुरूपता की जाँच करने के लिए प्रत्येक परेक्षण में से नमूने की नियमित की जाएगी । उत्पादक परीक्षण प्रमाण पत्र की शुद्धता सत्यापित करने के लिए पाँच परेक्षणों में से कम से कम एक बार जाँच पड़ताल की जाएगी ।

(ग) माने वाले परेक्षणों का निरीक्षण और परीक्षण, सौख्यिकी नमूना योजना के अनुसार क्रय विनिर्देशों से अनुरूपता सुनिश्चित करने के लिए किया जाएगा ।

(घ) निरीक्षण तथा परीक्षण किए जाने के पश्चात्, स्वीकृत तथा अस्वीकृत माल या संघटकों का पृथक्करण के लिए तथा अस्वीकृत माल या संघटकों के निपटान के लिए व्यवस्थित प्रक्रिया अपनाई जाएगी ।

(ङ) उन पर निविष्ट नियंत्रण के संबंध में पर्याप्त अभिलेख व्यवस्थित रूप से रखा जाएगा ।

2. प्रक्रिया नियंत्रण :—(क) विनिर्माता, विनिर्माण की विभिन्न प्रक्रियाओं के लिए ब्योरेवार प्रक्रिया विनिर्देश अधिककृत करेंगे ।

(ख) प्रक्रिया विनिर्देश में अधिककृत प्रक्रियाओं को नियंत्रित करने के लिए उपस्कर या यन्त्र समुच्चय की पर्याप्त सुविधाएं होंगी ।

(ग) विनिर्माण की प्रक्रिया के दौरान प्रयुक्त नियंत्रण की स्थापन की संभावनाओं को सुनिश्चित करने के लिए पर्याप्त अभिलेख रखा जाएगा ।

3. उत्पाद नियंत्रण :—(क) मानक विनिर्देशों के अनुसार उत्पाद का परीक्षण करने के लिए विनिर्माता के पास या तो अपनी परीक्षण सुविधाएं होंगी या वह वहाँ जा सकेगा जहाँ ऐसी सुविधाएं विद्यमान हों । इसका पर्याप्त अभिलेख रखा जाएगा ।

(ख) परीक्षण के लिए नमूना (जहाँ कहीं भी अपेक्षित हो) अधिककृत अभिलेख के आधार पर किया जाएगा ।

(ग) अधिककृत निरीक्षण जाँच सूची के अनुसार प्रत्येक समुच्चय की जाँच की जाएगी ।

4. मौसम संबंधी नियंत्रण :—उत्पादन तथा निरीक्षण में प्रयुक्त मापकों तथा उपकरणों की कालिक जाँच या भ्रंश शोधन किया जाएगा तथा अभिलेख पुनः-कार्ड के रूप में रखा जाएगा ।



5. परिरक्षण नियंत्रण :—(क) विनिर्माता द्वारा उत्पाद को मौसम के प्रतिकूल प्रभावों से सुरक्षित करने के लिए इच्छापूर्वक विनिर्देश अधिकतम किए जाएंगे।

(ख) भंडारण एवं परिवहन दोनों के दौरान उत्पाद को भली प्रकार सुरक्षित रखा जाएगा।

6. वैकित्त नियंत्रण :—पूर्वोक्त उत्पादों की वैकित्त के लिए विनिर्देश अधिकतम किए जाएंगे।

[सं० 6(37)/76-नि० नि० तथा नि० उ०]

## MINISTRY OF COMMERCE

### ORDERS

New Delhi, the 31st March, 1979

**S.O. 1088.**—Whereas the Central Government is of opinion that it is necessary and expedient so to do for the development of the export trade of India and that in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act 1963 (22 of 1963), gas cylinders shall be subject to quality control and inspection prior to export;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule and in supersession of the notification of the Government of India, in the Ministry of Commerce No. S. O. 2304 dated 16th July, 1977, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within forty five days of the date of publication of this order in the Gazette of India, to the Export Inspection Council, 14/1B, Ezra Street, Calcutta-1.

### PROPOSALS

(1) To notify that gas cylinders shall be subject to quality control and inspection prior to export;

(2) To specify the type of quality control and inspection in accordance with the draft Export of Gas Cylinders (Quality Control and Inspection) Rules, 1979 set out in Annexure I to this order as the type of quality control and inspection, which shall be applied to such gas cylinders prior to export;

(3) To recognise—

(a) the relevant Indian standard specifications or any other national standard specifications.

(b) the specifications which do not fall under clause (a) above but are approved by a panel of experts appointed by the Export Inspection Council for the purpose of examining and approving such standard declared by the exporters as contractual specifications as the standard specifications for gas cylinders.

(4) To prohibit the export in the course of international trade of such gas cylinder unless the same are accompanied by a certificate issued by any one of the agencies recognised or established by the Central Government under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), to the effect that the gas cylinders satisfy the conditions relating to quality control and inspection and are exportworthy or carry a mark or seal recognised by the Central Government under section 8 of the said Act;

2. Nothing in this order shall apply to the export by land, sea or air of bona-fide samples of gas cylinders to prospective buyers, the f.o.b. value of which does not exceed rupees one hundred and twenty five.

3. In this order, "gas cylinders" shall mean any pressure container of capacity upto and including 250 litres used for transport or storage of compressed or liquified gases.

1310 GI/78—2

## ANNEXURE I

(Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).)

1. Short title and commencement.—(1) These rules may be called the Export of Gas Cylinders (Quality Control and Inspection) Rules, 1979.

(2) They shall come into force on.....

2. Definitions.—In these rules, unless the context otherwise requires :—

(a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

(b) "agency" means any of the agencies established at Bombay, Calcutta, Cochin, Delhi and Madras or any other organisation recognised by the Central Government under section 7 of the Act;

(c) "gas cylinder" shall mean any pressure contained of capacity upto and including 250 litres used for transport or storage of compressed or liquified gases.

3. Basis and procedure for inspection.—(1) The inspection shall be carried out with a view to ensuring that gas cylinder intended for export have been produced by exercising the levels of control specified in Annexure II or Annexure III and the quality of the same conforms to the specifications recognised by the Central Government under section 6 of the Act.

(2) Any one of the following schemes of inspection shall be adopted for gas cylinder; namely :—

(a) Self-certification : (i) Any manufacturing unit fulfilling the norms listed in Annexure II shall apply to the Regional Office of Export Inspection Council, Aman Chambers (4th Floor), 113, M. Karve Road, Bombay-400004.

(ii) Any one of the panels appointed by the Council shall visit such unit and assess as to whether effective quality assurance system is operating satisfactorily.

(iii) The units that are approved by the panel shall be recognised under section 7 of the Act, enabling them to issue certificates of exportworthiness for their export consignments.

(iv) Such recognition shall be valid for a period of one year and shall be renewed thereafter based on the continuance of the effective quality assurance system :

Provided that if the Central Government is of opinion that any recognition granted to any manufacturing unit should, in the public interest, be withdrawn, the Central Government may, after giving a reasonable opportunity to that unit, withdrawn the recognition under section 7 of the Act.

(b) In-process quality control : (i) Any manufacturing unit having adequate in-process quality control as per Annexure III shall apply to the nearest office of the Council, given below :—

Export Inspection Council  
14/1B, Ezra Street,  
Calcutta-700001.

### Regional Offices :

1. Export Inspection Council,  
Aman Chambers, 4th floor,  
113, Mahatma Karve Road,  
Bombay-400004.

2. Export Inspection Council  
Manohar Building;  
Mahatma Gandhi Road,  
Ernakulam,  
Cochin-682011.

3. Export Inspection Council,  
Municipal Market Building,  
3, Saraswati Marg,  
Karol Bagh,  
New Delhi-110005.

(ii) Export Inspection Council shall then arrange a visit to the manufacturing unit and assess as to whether an effective in-process quality control system is operating satisfactorily.

(3) The following procedure shall be followed for inspection and certification of gas cylinders, namely :—

(a) Any manufacturing unit recognised under self-certification scheme under clause (a) of sub-rule (2), shall issue certificate of exportworthiness for export consignments, manufactured by it.

(b) (i) Any exporter (other than those manufacturing units recognised under self-certification scheme) intending to export gas cylinders shall give intimation in writing of his intention so to do and submit along with such intimation a declaration of the specifications of all technical characteristics as stipulated in the export contract relating to such export, to any one of the agencies to enable it to carry out inspection in accordance with clause (b) of sub-rule (2).

(ii) He shall at the same time endorse a copy of such intimation for inspection to the office of the Council nearest to the office of the agency.

(c) For export of products manufactured by units approved under clause (b) of sub-rule (2) the exporter shall also submit along with such intimations a declaration that the gas cylinders intended for export has been manufactured by exercising quality control as laid down in Annexure III and that the consignment conforms to the requirements of the specifications recognised for this purpose.

(d) Every intimation and declaration under clause (b) shall reach the office of the agency and the Council not less than two weeks prior to the despatch of the consignment from the manufacturer's premises.

(e) The exporter shall also furnish to the agency the identification marks applied on the consignment.

(f) On receipt of the intimation and declaration under clause (b) the agency after satisfying itself that during the process of manufacture the unit had exercised adequate quality control as provided under Annexure-III and followed the instructions if any, issued by the Council in this regard, shall within three days issue a certificate declaring the consignment of gas cylinders as exportworthy. However, the agency shall ensure through periodic inspections that adequate controls are exercised at the manufacturing premises.

(g) As and when required by the agency, the exporter shall supply free of charge for inspection and testing samples of gas cylinders from export consignment. Such samples shall however be returned by the agency after done with.

4. Affixation of recognised mark and procedure thereof :—The provisions of the Indian Standards Institution (Certification Marks) Act, 1952 (36 of 1952), the Indian Standards Institution (Certification Marks) Rules, 1955 and the Indian Standards Institution (Certification Marks) Regulations, 1955 shall so far as may apply in relation to the procedure of affixation of the recognised mark or seal on gas cylinders prior to export and gas cylinders so marked shall not be subjected to any inspection under rule 3.

5. Place of Inspection.—Inspection under these rules shall be carried out at the manufacturing or other premises where adequate testing and inspection facilities are available.

6. Inspection fee :—Inspection fee shall be paid by the exporter to the agency as under :—

(a) For units under self-certification scheme :

Rs. 1,000 per annum for exports of  
Rs. 5 lakhs per annum.

Rs. 2,500 per annum for exports of over  
Rs. 5 to 25 lakhs per annum.

Rs. 5,000 per annum for exports of over  
Rs. 25 to 50 lakhs per annum.

Rs. 10,000 per annum for exports of over  
Rs. 50 to 100 lakhs per annum.

Rs. 20,000 per annum for exports exceeding  
Rs. 100 lakhs per annum.

(b) For units under in-process quality control scheme  
At the rate of twenty paise for every hundred rupees of f.o.b. value subject to a minimum of rupees hundred only for each consignment.

(7) Appeal—(1) Any person aggrieved by the refusal of the agency to issue a certificate under rule 3 may within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts, consisting of not less than three persons that may be constituted by the Central Government.

(2) The panel shall consist of at least two-third or non-officials of the total memberships of the panel experts.

(3) The quorum for the panel shall be three.

(4) The appeal shall be disposed of within fifteen days of its receipt.

## ANNEXURE II

(See rule 3)

### Norms of self-Certification

(i) The unit should have an effective and comprehensive quality control set up covering all operations.

(ii) The quality control set up should be headed by a competent technical person at a senior level and he should not be reporting to an officer who is in charge of production.

(iii) The unit should have detailed company standards not only for its products but also for the entire range of raw materials and components that are bought out. Such company standards should not be lower in quality to that of the relevant Indian Standard Specifications.

(iv) The unit must have its own facilities for routine and acceptance tests and to the extent possible, type tests as well. Further the unit should have necessary equipment for exercising an effective meteorological control over the gauges used by them.

(v) The unit should have a clearly laid down scheme of testing and inspection indicating the characteristics to be tested and the frequency of testing to ensure conformity of its production to the standard specifications. The existence of a scheme of testing alone would not be sufficient but the unit should be able to convince an independent panel about its efficacy.

(vi) The goods to be exported and to be certified under self-certification should conform to the relevant Indian Standard or any other recognised national standard.

- (vii) The unit should have a record of continuous consumer satisfaction in India and in the overseas markets for a minimum period of 3 years. Incidents of complaints of design, manufacture and packaging should be minimum and in the event of any such complaint the unit should have taken effective and positive measures of improvement and ensured customer satisfaction.
- (viii) In the case of direct exports by ancillary units, who are also supplying to O. E. manufacturers in India there should be a consistent record of quality supplies to them for a minimum period of 3 years.
- (ix) Apart from the norms prescribed above the units will also be required to have the stipulated in process control.

## ANNEXURE III

(See Rule 3)

## In-Process Quality Control

The quality of the gas cylinders intended for export shall be ensured by the manufacturer by effecting the following controls at different stage of manufacture.

1. Bought out materials and components control :—
  - (a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of materials or components to be used and the detailed dimensions thereof with tolerances.
  - (b) The accepted consignments shall be either accompanied by a producer's test certificate corroborating the requirement of the purchase specifications or in the absence of such test certificates, samples from each consignment shall be regularly tested to check up its conformity to the purchase specifications. The producer's test certificate shall be counter-checked at least once in five consignments to verify the correctness.
  - (c) The incoming consignments shall be inspected and tested for ensuring conformity to purchase specifications against statistical sampling plans.
  - (d) After the inspection or test is carried out, systematic methods shall be adopted in segregating the accepted and rejected materials or components and in disposal or rejected materials or components.
  - (e) Adequate records in respect of the above mentioned control shall be systematically maintained.
2. Process Control :—(a) Detailed process specifications shall be laid down by the manufacturers for various process of manufacture.
  - (b) Equipment or instrumentation facilities shall be adequate to control the processes as laid down in the process specifications.
  - (c) Adequate records shall be maintained to enable the verification of the control exercised during the process of manufacture.
3. Product Control :—(a) The manufacturer shall either have his own testing facilities or shall have access to such testing facilities existing elsewhere to test the product as per the standard specification. Adequate records thereof shall be maintained.
  - (b) Sampling (wherever required) for testing shall be based on a recorded investigation.
  - (c) Each and every assembly shall be checked against a laid down inspection check list.

4. Meteorological Control :—Gauges and instruments used in the production and inspection shall be periodically checked or calibrated and records shall be periodically checked or calibrated and records shall be maintained in the form of history cards.

5. Preservation Control :—(a) A detailed specification shall be laid down by the manufacturer to safeguard the product from adverse effect of weather conditions.

(b) The product shall be well preserved both during storage and during transit.

6. Packing Control :—A specification shall be laid down for packing the aforesaid products.

[No. 6(37)/76-EL&amp;EP.]

का० खा० 1089.—केन्द्रीय सरकार की राय है कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक तथा समीचीन है और निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बेबी बायलर निर्यात में पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे।

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं और उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम 1964 के नियम 11 के उप-नियम (2) की अंशानुसार निर्यात निरीक्षण परिष्कृत कीजें दिया है :

अतः, अब, केन्द्रीय सरकार उक्त उप-नियम के अनुसरण में तथा भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं० का० खा० 2304 तारीख 16 जुलाई, 1977 को अधिकांश करते हुए उक्त प्रस्तावों को ऐसे व्यक्तियों की जानकारी के लिए प्रकाशित करती है जिसके उगसे प्रभावित होने की संभावना है।

2. सूचना दी जाती है कि यदि उक्त प्रस्तावों के बारे में कोई व्यक्ति आशय या सुझाव भेजना चाहता है तो वह उन्हें इस आदेश के राजपत्र में प्रकाशित होने की तारीख से 45 दिन के भीतर निर्यात निरीक्षण परिष्कृत 14/1-बी, एड्डा स्ट्रीट, कलकत्ता-1 को भेज सकता है।

## प्रस्ताव

(1) अधिसूचित करना कि बेबी बायलर निर्यात में पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे।

(2) इस आदेश के उपबंध 1 में दिए गए बेबी बायलर के (निर्यात क्वालिटी नियंत्रण और निरीक्षण) नियम, 1978 के प्रावधान के अनुसार निरीक्षण के प्रकार की, निरीक्षण के ऐसे प्रकार के रूप में विनिर्दिष्ट करना है जो ऐसे बेबी बायलर को निर्यात से पूर्व लागू होंगा।

(3) भारतीय बायलर विनियम में दी गई न्यूनतम तकनीकी विशेषताओं के अधीन सांविधिक विनिर्देशों या कम्पनी मानकों को मान्यता देना।

(4) अन्तर्राष्ट्रीय व्यापार के दौरान ऐसे बेबी बायलर के निर्यात को तब तक प्रतिषिद्ध करना जब तक कि उनके साथ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन मान्यताप्राप्त अधिकारणों में से किसी के द्वारा जारी किया गया इस आशय का प्रमाण-पत्र न हो कि बेबी बायलर क्वालिटी नियंत्रण और निरीक्षण में संबंधित शर्तों को पूरा करते हैं तथा निर्यात योग्य हैं।

3. इस आदेश में 'बेबी बायलर' में कि० मी० एक सं० मी० 2 से अधिक दाब के अधीन, भाप उत्पादन करने के लिए स्पष्ट रूप से प्रयोग किया गया 22.75 लिटर (5 गैलन), तक की क्षमता वाला बन्द पात्र अभिप्रेत है तथा उनके अन्तर्गत ऐसे पात्र से सम्बद्ध कोई मित उपयोगित अतिरिक्त या अन्य कोई आरोपण या फिटिंग भी है जो भाप बन्द कर दी जाने पर पूर्णतः या अंशतः दाब के अधीन होगा।

## उपाबंध 1

निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) की धारा 17 के अधीन बनाए जाने वाले प्रस्तावित नियमों का प्रारूप।

1. संक्षिप्त नाम तथा प्रारम्भ : (1) इन नियमों का संक्षिप्त नाम बेबी बायलर निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1979 है।

(2) ..... प्रवृत्त होंगे।

2. परिभाषाएँ—इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो—

(क) “अधिनियम” से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है ;

(ख) “अधिकरण” से अधिनियम की धारा 7 के अधीन मान्यताप्राप्त अधिकरणों में से कोई एक अभिप्रेत है ;

(ग) “बेबी बायलर” से 1 कि० का० एक सें० मी० 2 से अधिक दाब के अधीन भाप उत्पादित करने के लिए स्पष्ट रूप से प्रयोग किया गया 22.75 लिटर (5 गैलन) तक की क्षमता वाला बन्द पात्र अभिप्रेत है तथा इसके अन्तर्गत ऐसे पात्र से सम्बन्ध कोई मत उपयोजित अतितापक या अन्य कोई आरोपण या फिटिंग भी है जो भाप बन्द कर दी जाने पर पूर्णतः या अंशतः दाब के अधीन होगा।

3. निरीक्षण का आधार : निर्यात के आशयित बेबी बायलरों का निरीक्षण भारतीय बायलर विनियम में अधिकृत के अनुसार यह देखने के विचार से किया जाएगा कि क्या वह अधिनियम की धारा 8 के अन्तर्गत केन्द्रीय सरकार द्वारा मान्यताप्राप्त मानक विनिर्देशों के अनुरूप है।

4. निरीक्षण की प्रक्रिया :—(1) यदि कोई विनिर्माता निर्यात के लिए बेबी बायलर उत्पादित करना चाहता है तो वह ऐसा करने के अपने आशय की सूचना लिखित रूप में देगा तथा ऐसे निर्यात से संबंधित विनिर्देशों की घोषणा अधिकरण को देगा जिससे कि वह नियम 3 के अनुसार निरीक्षण कर सके।

(2) उप-नियम (1) के अधीन प्रत्येक सूचना तथा घोषणा निर्यात-परेषणों के विनिर्माण के प्रारम्भ से कम से कम पांच दिन पहले दी जाएगी तथा ऐसी सूचना की एक प्रति उसी समय परिषद् के निम्नलिखित कार्यालयों में से किसी एक को दी जाएगी जो कि निरीक्षण के स्थान के निकटतम है, अर्थात्—

निर्यात निरीक्षण परिषद्,  
14/1बी, एजरा स्ट्रीट, (प्राङ्गणी मंजिल),  
कलकत्ता-700001  
क्षेत्रीय कार्यालय :

(i) निर्यात निरीक्षण परिषद्,  
क्षेत्रीय कार्यालय : बम्बई,  
अमन चैम्बर्स, (पांचवीं मंजिल),  
113, महर्षि कर्वे रोड  
बम्बई-400004.

(ii) निर्यात निरीक्षण परिषद्,  
क्षेत्रीय कार्यालय : दिल्ली  
म्युनिसिपल मार्केट बिल्डिंग,  
3 सरस्वती मार्ग,  
करोल बाग, 1  
नई दिल्ली-110005.

(iii) निर्यात निरीक्षण परिषद्,  
क्षेत्रीय कार्यालय : कोचीन,  
मनाहूर बिल्डिंग,  
महात्मा गांधी रोड,  
एनाकुलम,  
कोचीन-682011.

(3) उप-नियम (1) के अधीन सूचना तथा घोषणा प्राप्त होने पर, अधिकरण बेबी बायलरों का निरीक्षण नियम 3 तथा इस संबंध में परिषद् द्वारा समय-समय पर जारी किए गए अनुदेशों, यदि कोई हों, के अनुसार करेगा।

(4) (क) निरीक्षण की समाप्ति के पश्चात् अधिकरण परीक्षण के पैकेजों को तुरन्त वह सुनिश्चित करने के लिए सील करेगा कि सील किए गए मास में हस्तक्षेप न किया जा सके।

(ख) परेषण अस्वीकृत कर दिए जाने की दशा में, यदि निर्यातकर्ता चाहता है तो, परेषण अधिकरण द्वारा सील नहीं किया जाएगा और ऐसे मामलों में, निर्यातकर्ता अस्वीकृत के विरुद्ध अपील करने का हकदार नह होगा।

(5) यदि अधिकरण का समाधान हो जाता है कि बेबी बायलर का परेषण मान्यताप्राप्त विनिर्देशों को अपेक्षाओं के अनुरूप है तो वह निरीक्षण की समाप्ति से तीन कार्य-दिवसों के भीतर, यह घोषणा करते हुए प्रमाण-पत्र देगा कि परेषण-क्वालिटी नियंत्रण और निरीक्षण से संबंधित बातों को पूरा करता है तथा नियति-योग्य है ;

परन्तु यदि अधिकरण का इस प्रकार समाधान नहीं होता है तो वह उक्त तीन दिन की अवधि के भीतर ऐसा प्रमाण-पत्र जारी करने से इंकार कर देगा तथा ऐसे इंकार की कारणों सहित सूचना निर्यात-कर्ता को देगा।

5. निरीक्षण का स्थान—बेबी बायलरों का निरीक्षण केवल विनिर्माता के परिसरों पर ही किया जाएगा।

6. निरीक्षण फीस—इन नियमों के अधीन प्रत्येक परेषण के लिए पोत पर्यंत निःशुल्क मूल्य के प्रत्येक एक सौ रुपये पर पचास पैसे की दर से फीस निरीक्षण फीस के रूप में निर्यात-कर्ता द्वारा अधिकरण को दी जाएगी। यह फीस कम से कम सौ रुपये होगी।

7. अपील :—(1) नियम 4 के उप-नियम (5) के अधीन अधिकरण द्वारा प्रमाण-पत्र देने से इंकार किए जाने से व्यथित व्यक्ति अधिकरण द्वारा ऐसे इंकार की सूचना की प्राप्ति से पन्द्रह दिन के भीतर इस प्रयोजन के लिए केन्द्रीय सरकार द्वारा बनाए गए विशेषज्ञों के पैनल को अपील कर सकेगा जिसमें कम से कम तीन और अधिक से अधिक सात व्यक्ति होंगे।

(2) विशेषज्ञों के पैनल की मूल सदस्यता के कम से कम दो तिहाई सदस्य गैर-सरकारी होंगे।

(3) पैनल की गणपूर्ति तीन से होगी।

(4) अपील प्राप्त होने से पन्द्रह दिन के भीतर निपटाई जाएगी।

[सं० 6(37)/76-नि० नि० तथा नि० उ०]

S.O. 1089.—Whereas the Central Government is of opinion that it is necessary and expedient so to do for the development of the export trade of India and that in exercise of the powers conferred by section 6 of the Export (Quality

Control and Inspection) Act, 1963 (22 of 1963) baby boilers shall be subject to quality control and inspection prior to export ;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule-11 of the Export (Quality Control and Inspection) Rules, 1964 ;

Now, therefore, in pursuance of the said sub-rule and in supersession of the notification of the Government of India in the Ministry of Commerce No. S.O. 2304 dated the 16th July, 1977 the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestions with respect to the said proposals may forward the same within forty five days of the date of publications of this order in the Gazette of India, to the Export Inspection Council 14/1B, Ezra Street, Calcutta-1.

### PROPOSALS

- (1) To notify that baby boilers shall be subject to inspection prior to export.
- (2) To specify the type of inspection in accordance with the draft Export of baby boilers (Quality Control and Inspection) Rules, 1979 set out in annexure I to this order as the type of inspection which shall be applied to such baby boilers prior to export ;
- (3) To recognise contractual specifications or company standards subject to the minimum technical characteristics stipulated in the Indian Boiler Regulations.
- (4) To prohibit the exports in the course of international trade of such baby boilers unless the same are accompanied by a certificate issued by any of the agencies recognised under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that the consignment of baby boilers conforms to the conditions relating to quality control and inspection and is exportworthy.

2. In this order, "baby boiler" shall mean any closed vessel of capacity of upto and including 22.75 litres (5 gallons) used expressly for generating steam under pressure of more than 1 kgf/cm<sup>2</sup> and would include economiser, superheater or any other mounting or fitting attached to such vessel which is wholly or partly under pressure when steam is shut off.

### ANNEXURE I

**Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963)**

1. Short title and commencement.—(1) These rules may be called the Export of Baby Boilers (Quality Control and Inspection) Rules, 1979.

2. They shall come into force on.....

2. Definitions.—In these rules, unless the context otherwise requires ;

- (a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) ;
- (b) "Agency" means any of the agencies recognised under section 7 of the Act ;
- (c) "baby boiler" shall mean any closed vessel of capacity of upto and including 22.75 litres (5 gallons) used expressly for generating steam under pressure of more than 1 kgf/cm<sup>2</sup> and would include economiser, superheater or any other mounting or fitting attached to such vessel which is wholly or partly under pressure when steam is shut off.

3. Basis of inspection.—Inspection of baby boilers intended for export shall be carried out as laid down in the Indian Boiler Regulations with a view to seeing that the same conform to the standard specifications recognised by the Central Government under section 6 of the Act.

4. Procedure of inspection.—(1) A manufacturer intending to produce for export baby boilers shall give intimation in writing of his intention so to do and submit a declaration of the specifications relating to such export to the agency to enable it to carry out the inspection in accordance with rule 3.

(2) Every intimation and declaration under sub-rule (1) shall be given not less than five days prior to commencement of manufacture of export consignments and a copy of the intimation shall simultaneously be endorsed to any of the following offices of the Council which is nearest to the place of inspection namely :—

Export Inspection Council,  
14/1B, Ezra Street (7th Floor)  
Calcutta-700001.

Regional offices :—

- (1) Export Inspection Council,  
Regional Office : Bombay  
Aman Chambers, (4th Floor),  
113, M. Karve Road,  
Bombay-400004.
- (2) Export Inspection Council,  
Regional Office : Delhi  
Municipal Mkt. Bldg.,  
3, Saraswati Marg, Karol Bagh,  
New Delhi-110003.
- (3) Export Inspection Council,  
Regional Office : Cochin  
Manohar Buildings,  
Mahatma Gandhi Road,  
Ernakulam,  
Cochin-682011.

(3) On receipt of the intimation and declaration under sub-rule (1), the agency shall carry out the inspection of baby boilers in accordance with rule 3 and the instructions if any, issued by the Council from time to time in this regard.

(4) (a) After completion of the inspection, the agency shall immediately seal the packages in the consignment in a manner so as to ensure that the sealed goods cannot be tampered with.

(b) In case of rejection of a consignment, if the exporter so desires, the consignment may not be sealed by the agency and in such cases, however, the exporter shall not be entitled to prefer an appeal against the rejection.

(5) When the agency is satisfied that the consignment of baby boilers complies with the requirements of the recognised specifications, it shall issue within three working days of completion of inspection, a certificate to the exporter declaring that the consignment satisfied the conditions relating to quality control and inspection and is exportworthy :

Provided that where the agency is not so satisfied it shall within the said period of three days refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor.

5. Place of inspection.—Inspection of baby boilers shall be carried out at the premises of the manufacturer only .

6. Inspection fee.—Subject to a minimum of rupees hundred for each consignment a fee at the rate of fifty paise for every Rs. 100/- of the f.o.b. value shall be paid by the exporter to the agency as inspection fee, under these rules.

7. Appeal.—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (5) of rule 4 may, within fifteen days of the receipt of the communication of such refusal by him prefer an appeal to a panel of experts consisting of not less than three but not more than seven persons appointed for the purpose by the Central Government.

(2) The panel shall consist of at least two-thirds of non-officials of the total membership of the Panel of Experts.

(3) The quorum for the Panel shall be three.

(4) The appeal shall be disposed of within ten days of its receipt.

का० आ० 1090.—केन्द्रीय सरकार की राय है कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक तथा समीचीन है और नियति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए स्विच गियर तथा नियंत्रण गियर निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे।

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए है और उन्हें नियति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) की अपेक्षानुसार निर्यात निरीक्षण परिषद् को भेज दिया है।

अतः अब केन्द्रीय सरकार उक्त उप-नियम के अनुसरण में तथा भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं० का० आ० 2304 तारीख 16 जुलाई, 1977 को अधिकात्म करने हुए उक्त प्रस्ताव को ऐसे व्यक्तियों की जानकारी के लिए प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना है।

2. सूचना दी जाती है कि यदि उक्त प्रस्तावों के बारे में कोई व्यक्ति कोई आक्षेप या सुझाव भेजना चाहता है तो वह उन्हें इस आदेश के राजपत्र में प्रकाशित होने की तारीख से पैंतालीस दिन के भीतर निर्यात निरीक्षण परिषद्, 14/1बी, एजरा स्ट्रीट, कलकत्ता को भेज सकता है।

#### प्रस्ताव

(1) अधिसूचित करना कि स्विच गियर तथा नियंत्रण गियर निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे।

(2) इस आदेश के उपाबंध 1 में दिए गए स्विच गियर तथा नियंत्रण गियर के नियति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1979, के प्रारूप के अनुसार क्वालिटी नियंत्रण और निरीक्षण के प्रकार को, क्वालिटी नियंत्रण और निरीक्षण के ऐसे प्रकार के रूप में विनिर्दिष्ट करना है जो नियति से पूर्व ऐसे स्विच गियर तथा नियंत्रण गियर का निर्यात से पूर्व लागू होगा।

(3) (क) सुसंगत भारतीय मानक विनिर्देशों या कोई अन्य राष्ट्रीय मानक विनिर्देशों को मान्यता देना।

(ख) अन्तर्राष्ट्रीय विद्युत तकनीकी आयोग की सिफारिशों या मानकों को मान्य संस्थाओं के मानकों को अथवा किसी भी देश के मंत्रालय, सरकारी विभाग या जन उपक्रमों द्वारा अनुमोदित विनिर्देशों को।

(ग) उन विनिर्देशों को जो खण्ड (क) तथा (ख) के अन्तर्गत नहीं आते हैं परन्तु निर्यात कर्ता द्वारा घोषित ऐसे मानकों की परीक्षा और अनुमोदन के प्रयोजन के लिए नियति निरीक्षण परिषद् द्वारा नियुक्त विशेषज्ञों के पैनल द्वारा अनुमोदित है, स्विच गियर तथा नियंत्रण गियर के लिए सांख्यिक विनिर्देशों को मानक विनिर्देशों के रूप में मान्यता देना।

(4) अन्तर्राष्ट्रीय व्यापार के दौरान ऐसे स्विच गियर तथा नियंत्रण गियर के निर्यात को तब तक के प्रतिबन्धित करना जब तक कि उसमें माथ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन केन्द्रीय सरकार द्वारा स्थापित या मान्यता प्राप्त अधिकरणों में से किसी के द्वारा जारी किया गया इस आशय का प्रमाण-पत्र न हो, कि स्विच गियर तथा नियंत्रण गियर का परेक्षण क्वालिटी नियंत्रण और निरीक्षण से संबंधित शर्तों को पूरा करते हैं तथा निर्यात योग्य है या उनपर उक्त अधिनियम की धारा 8 के अधीन केन्द्रीय सरकार द्वारा मान्यताप्राप्त मुद्रा इस चिन्ह लगा हुआ है।

2. इस आदेश की कोई भी बात भावी श्रेताओं को भू-मार्ग, जल मार्ग या वायुमार्ग द्वारा स्विच गियर तथा नियंत्रण गियर के उन नमूनों के

निर्यात पर लागू नहीं होगी जिनका पोत पर्यन्त निःशुल्क मूल्य एक सौ पन्ध्र (125) रुपये से अधिक नहीं है।

3. इस आदेश में स्विच गियर तथा नियंत्रण गियर से निम्नलिखित अभिप्रेत है और विद्युत उपकरणों तथा उपसाधनों से संबंधित आदेश के अधीन अधिसूचित कोई भी मद उसके अन्तर्गत नहीं है।

स्विच गियर से विद्युत ऊर्जा के उत्पादन, संचरण वितरण तथा संचरित्व के संबंध में प्रयोग के लिए सैद्धांतिक रूप से आशयित कोई भी स्विच युक्ति तथा संबंध नियंत्रण से उसका संयोजन, मापक, संरक्षक तथा विनियामक उपकरण तथा सहबद्ध अन्तर्योजनों, उपसाधनों, अनुलग्नकों और सहायक संरचनाओं सहित ऐसी युक्तियों और उपकरणों के समुच्चय अभिप्रेत है।

नियंत्रण गियर से ऐसे उपकरण पर जिनमें विद्युत ऊर्जा की खपत होती है, नियंत्रण रखने के उद्देश्य से सैद्धांतिक रूप में आशयित कोई भी स्विच-युक्ति तथा संबंध नियंत्रण से उसका संयोजन, मापक, संरक्षक तथा विनियामक उपकरण तथा सहबद्ध अन्तर्योजनों, उपसाधनों, अनुलग्नकों और सहायक संरचनाओं सहित ऐसी युक्तियों और उपकरणों के समुच्चय अभिप्रेत है।

#### उपाबंध 1

निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 के अधीन बनाए रखने वाले प्रस्तावित नियमों का प्रारूप।

1. संक्षिप्त नाम तथा प्रारम्भ:—(1) इन नियमों का संक्षिप्त नाम स्विच गियर तथा नियंत्रण गियर का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1979 है।

(2) ये नियमों को प्रवृत्त होंगे।

2. परिभाषाएं:—इन नियमों में जब तक संदर्भ से अन्यथा अपेक्षित न हो:—

(क) 'अधिनियम' से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है।

(ख) 'अधिकरण' से अधिनियम की धारा 7 के अधीन केन्द्रीय सरकार द्वारा मान्य अम्बई, कलकत्ता, कोचीन, दिल्ली और मद्रास में स्थापित मान्यताप्राप्त अधिकरणों में से कोई एक या कोई अधिकरण या कोई अन्य संगठन अभिप्रेत है।

(ग) 'स्विच गियर' से विद्युत ऊर्जा के उत्पादन, संचरण, वितरण संचरित्व के संबंध प्रयोग के लिए सैद्धांतिक रूप से आशयित कोई भी स्विच-युक्ति तथा संबंध नियंत्रण से उसका संयोजन मापक, संरक्षक, तथा विनियामक उपकरण तथा सहबद्ध अन्तर्योजनों, उपसाधनों, अनुलग्नकों और सहायक संरचनाओं सहित ऐसी युक्तियों और उपकरणों के समुच्चय अभिप्रेत है।

'नियंत्रण गियर' से, ऐसे उपकरण पर, जिनमें विद्युत ऊर्जा की खपत होती है, नियंत्रण रखने के उद्देश्य से सैद्धांतिक रूप से आशयित कोई भी स्विच युक्ति तथा संबंध नियंत्रण से उसका संयोजन, मापक, संरक्षक तथा विनियामक उपकरण तथा सहबद्ध अन्तर्योजनों, उपसाधनों, अनुलग्नकों और सहायक संरचनाओं सहित ऐसी युक्तियों और उपकरणों के समुच्चय अभिप्रेत है।

3. निरीक्षण का आधार तथा प्रक्रिया:—(1) निरीक्षण यह करने की दृष्टि से किया जाएगा कि निर्यात के लिए आशयित स्विच गियर तथा नियंत्रण गियर उपाबंध II या उपाबंध III में विनिर्दिष्ट नियंत्रण स्तरों का प्रयोग करके उत्पादित किए गए हैं और उनकी क्वालिटी अधिनियम की धारा 8 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त विनिर्देशों के अनुरूप है।

(2) स्विच गियर तथा नियंत्रण गियर के लिए निरीक्षण की निम्न-लिखित स्कीमों में से कोई एक स्कीम अपनाई जाएगी, अर्थात् —

(क) स्वयं प्रमाणीकरण : (1) कोई भी विनिर्माण यूनिट जो परिशिष्ट 1 में दी सूचीबद्ध मानवण्डों को पूरा करता है वह नियमित निरीक्षण परिषद् 'अमन चौबसे' (पांचवीं मंजिल) 113, महर्षि कार्बे रोड, बम्बई-400004 के क्षेत्रीय कार्यालय को आवेदन करेगा।

(2) परिषद् द्वारा नियुक्त पैनलों में से कोई पैनल ऐसे यूनिट में जाएगा तथा यह बताएगा कि क्या वहाँ प्रभावशाली क्वालिटी आश्वासन पद्धति संतोषजनक रूप से चल रही है।

(3) पैनल द्वारा अनुमोदित यूनिटों को अधिनियम की धारा 7 के अधीन मान्यता दी जाएगी जिससे कि वे अपने निर्यात परेशनों की निर्यात योग्यता का प्रमाणपत्र जारी कर सकें।

(4) ऐसी मान्यता एक वर्ष की अवधि के लिए विधिमानी होगी तथा उसके पश्चात् प्रभावी क्वालिटी आश्वासन पद्धति के जारी रहने के आधार पर वह पुनः नवीकृत की जाएगी।

परन्तु यदि केन्द्रीय सरकार की राय है कि किसी भी विनिर्माण यूनिट को दी गयी मान्यता जनहित में वापिस ले ली जाए तो केन्द्रीय सरकार उस यूनिट को एक उपयुक्त अवसर देने के पश्चात् अधिनियम की धारा 7 के अधीन मान्यता वापिस ले सकेगी।

(ख) प्रक्रिया क्वालिटी नियंत्रण:—(1) कोई भी विनिर्माण यूनिट जिसके पास उपाबंध 3 के अनुसार प्रक्रियागत क्वालिटी नियंत्रण की पर्याप्त व्यवस्था है, परिषद् के नीचे दिए गए निकटतम कार्यालय को आवेदन करेगा।

निर्यात निरीक्षण परिषद्

14/1बी एनरा स्ट्रीट,

कलकत्ता-700001.

क्षेत्रीय कार्यालय:—

1. निर्यात निरीक्षण परिषद्  
अमन चौबसे, पांचवीं मंजिल,  
113 महर्षि कार्बे रोड,  
बम्बई-400004.

2. निर्यात निरीक्षण परिषद्  
मनोहर बिल्डिंग,  
महात्मा गांधी रोड,  
एनाकुलम, कोचीन-682001

3. निर्यात निरीक्षण परिषद्  
न्युनिसियम मार्केट बिल्डिंग,  
3, सरस्वती मार्ग, करोल बाग  
नई दिल्ली-110005.

(2) निर्यात निरीक्षण परिषद् तब विनिर्माण यूनिट जाएगा और यह देखेगा कि प्रक्रियागत क्वालिटी नियंत्रण पद्धति संतोषजनक रूप से कार्य कर रही है या नहीं।

(3) स्विच गियर तथा नियंत्रण गियर के निरीक्षण तथा प्रभावीकरण के लिए निम्नलिखित प्रक्रिया अपनाई जाएगी, अर्थात् :—

(क) उप-नियम (2) के खण्ड (क) के अधीन स्वयं प्रमाणीकरण स्कीम के अधीन मान्यताप्राप्त कोई विनिर्माण यूनिट, उसके द्वारा विनिर्माणा निर्यात परेशनों की निर्यात योग्यता का प्रमाण पत्र जारी करेगा।

(ख) (1) स्विच गियर तथा नियंत्रण गियर के निर्यात करने का इच्छुक कोई निर्यातकर्ता (स्वयं प्रमाणीकरण स्कीम के अधीन मान्यता प्राप्त विनिर्माण यूनिटों से भिन्न) ऐसा करने के अपने आग्रह की सूचना लिखित रूप में देगा तथा ऐसी सूचना के साथ, ऐसे निर्यात से संबंधित

निर्यात संविदा में दो गई सभी तकनीकी विशेषताओं का विवरण देने हुए विनिर्देशों का घोषणा पत्र किसी भी अधिकरण को देगा ताकि वह उपनियम (2) के खण्ड (ख) के अनुसार निरीक्षण कर सके।

(2) वह उसी समय ऐसी सूचना की एक प्रति निरीक्षण के लिए अधिकरण के कार्यालय के निकटतम परिषद् के कार्यालय को देगा।

(ग) उप-नियम (2) के खण्ड (ख) के अधीन अनुमोदित यूनिटों द्वारा विनिर्मित उत्पादों के निर्यात के लिए निर्यातकर्ता ऐसी सूचनाओं के साथ एक घोषणा पत्र भी देगा कि निर्यात के लिए आणवित स्विच गियर तथा नियंत्रण गियर का विनिर्माण उपाबंध 3 में अधिकृत क्वालिटी नियंत्रणों का प्रयोग करके किया गया है तथा परेषण इस प्रयोजन के लिए मान्य विनिर्देशों की अपेक्षाओं के अनुरूप है।

(घ) खण्ड (ख) के अधीन प्रत्येक सूचना तथा घोषणा विनिर्माणा के परिमर से परेषण के भेजे जाने से कम से कम दो मप्ताह पहले अधिकरण तथा परिषद् के कार्यालय में अवश्य पहुँच जानी चाहिए।

(ङ) निर्यातकर्ता अधिकरण को परेषण पर लगाए गए पहचान चिन्ह भी देगा।

(च) खण्ड (ख) के अधीन सूचना तथा घोषणा प्राप्त होने पर अधिकरण, अपना यह समाधान कर लेने पर कि विनिर्माण की प्रक्रिया के दौरान यूनिट ने उपाबंध 3 में यथा उपबन्धित पर्याप्त क्वालिटी नियंत्रणों का प्रयोग किया है तथा इस संबंध में परिषद् द्वारा जारी किए गए निर्देशों, यदि कोई हो, का अनुसरण किया है तो वह तीन दिन के भीतर इस घोषणा का प्रमाणपत्र जारी करेगा कि स्विच गियर तथा नियंत्रण गियर का परेषण निर्यात योग्य है। किन्तु अधिकरण कालिक निरीक्षणों द्वारा यह सुनिश्चित करेगा कि विनिर्माण परिमरों में पर्याप्त नियंत्रण रखा जाना है।

(छ) अधिकरण द्वारा परोपेक्षित रूप में निर्यातकर्ता, निरीक्षण तथा परीक्षण के लिए निर्यात किए जाने वाले परेषण में से स्विच गियर तथा नियंत्रण गियर के निःशुल्क नमूने देगा। तथापि ऐसे नमूने कार्य करने के पश्चात् अधिकरण द्वारा लौटा दिए जायेंगे।

4. मान्यता प्राप्त चिन्ह लपाने तथा उसकी प्रक्रिया:—भारतीय मानक संस्थान (प्रमाणीकरण चिन्ह) अधिनियम, 1952 (1952 का 36), भारतीय मानक संस्थान (प्रमाणीकरण-चिन्ह) नियम, 1955 तथा भारतीय मानक संस्थान (प्रमाणीकरण चिन्ह) विनियम, 1955 के उपाबंध निर्यात में पूर्ण स्विच गियर तथा नियंत्रण गियर पर मुद्रा या मान्यताप्राप्त चिन्ह लगाने की प्रक्रिया के संबंध में यथा संभव लागू होंगे तथा इस प्रकार चिह्नित स्विच गियर तथा नियंत्रण गियर नियम 3 के अधीन किसी भी निरीक्षण के अधीन नहीं होंगे।

5. निरीक्षण का स्थान:—इन नियमों के अधीन निरीक्षण ऐसे विनिर्माण या अन्य परिसरों में किया जाएगा जहाँ परीक्षण तथा निरीक्षण के लिए पर्याप्त सुविधाएँ उपलब्ध हैं।

6. निरीक्षण फीस :—निर्यातकर्ता द्वारा अधिकरण को निरीक्षण फीस निम्नलिखित रूप में दी जाएगी।

(क) स्वयं प्रमाणीकरण स्कीम के अधीन यूनिटों के लिए :

5 लाख रुपये प्रतिवर्ष तक के निर्यात के लिए 10,000 रुपये प्रतिवर्ष 5 लाख से अधिक और 25 लाख रुपये प्रतिवर्ष तक के निर्यात के लिए 2,500 रुपये प्रतिवर्ष।

25 लाख से अधिक और 50 लाख रुपये प्रतिवर्ष तक के निर्यात के लिए 5,000 रुपये प्रतिवर्ष।

50 लाख से अधिक और 106 लाख रुपये प्रतिवर्ष तक के निर्यात के लिए 10,000 रुपये प्रतिवर्ष।

100 लाख रुपये प्रतिवर्ष में अधिक के निधि के लिए 20,000 रुपये प्रतिवर्ष ।

(ख) प्रक्रियागत क्वालिटी नियंत्रण योजना के अधीन यूनिटों के लिए :

प्रत्येक परेषण के लिए न्यूनतम सौ रुपये के अधीन रहने हुए, पौन पर्यन्त निःशुल्क मूल्य के प्रत्येक सौ रुपये के लिए बीन पैसे की दर से ।

7 अनीन : (1) नियम 3 के अधीन अधिकरण द्वारा प्रमाण पत्र देने से इंकार किए जाने से व्ययित व्यक्ति अधिकरण द्वारा ऐसे इंकार की सूचना की प्राप्ति के दस दिन के भीतर केन्द्रीय सरकार द्वारा बनाए गए विशेषज्ञों के पैनल को जिसमें कम से कम तीन व्यक्ति होंगे, अपील कर सकेंगे ।

(2) पैनल के विशेषज्ञों की कुल मदस्यता के दो-तिहाई मदस्य और सरकारी होंगे ।

(3) पैनल की गणपूर्ति तीन से होगी ।

(4) अपील प्राप्त होने के पन्द्रह दिन के भीतर निपटा दी जाएगी ।

### उपबंध 2

(नियम 3 देखिए)

हथें प्रमाणीकरण के सापमान

- (i) यूनिट के पास सभी संक्रियाओं के लिए प्रभावी तथा व्यापक क्वालिटी नियंत्रण व्यवस्था होनी चाहिए ।
- (ii) क्वालिटी नियंत्रण व्यवस्था उच्च स्तर के एक कुशल तकनीकी व्यक्ति के अधीन होनी चाहिये तथा उसे उस अधिकारी को रिपोर्ट नहीं देनी चाहिए जो उत्पादन का प्रभारी हो ।
- (iii) यूनिट के पास न केवल इसके उत्पादों के लिए अपितु क्रय किये गये सम्पूर्ण कच्चे माल तथा संघटकों के लिए विस्तृत कम्पनी मानक होनी चाहिए । ऐसे कम्पनी मानक, सम्बंधित भारतीय मानक विनिर्देशों को क्वालिटी से घटिया नहीं होने चाहिए ।
- (iv) यूनिट के पास नैनी तथा स्वीकृत परीक्षणों और यथासंभव टाइप परीक्षणों के लिए भी, अपनी सुविधाएं उपलब्ध होनी चाहिए । इसके अतिरिक्त यूनिट के पास, उनके द्वारा प्रयुक्त मापकों (नेपों) पर प्रभावशाली मौसम संबंधी नियंत्रण रखने के लिए आवश्यक उपस्कर होने चाहिए ।
- (v) यूनिट को, मानक विनिर्देशों के अनुसार अपने उत्पादन की अनुकूलता को सुनिश्चित करने के लिये, परीक्षण की आवश्यकता को और उन गुणधर्मों को, जिनका परीक्षण किया जाएगा, बर्णित हुए अपनी परीक्षण तथा निरीक्षण की योजना स्पष्ट रूप से अधिकृत करनी चाहिए । केवल परीक्षण की योजना का विद्यमान होना ही पर्याप्त नहीं है, अपितु यूनिट को अपनी वक्षता के बारे में स्वतंत्र पैनल का समाधान करना होगा ।
- (vi) निर्यात किया जाने वाला माल तथा स्वयं प्रमाणीकरण के अधीन प्रमाणित किया जाने वाला माल, संबंध भारतीय मानक या अन्य किसी मान्यता प्राप्त राष्ट्रीय मानक के अनुरूप होना चाहिए ।
- (vii) यूनिट को, भारत में तथा समुद्र पार भंडारों में, कम से कम 3 वर्ष की अवधि के लिये, निरंतर उपभोक्ता संतुष्टि का अभिलेख रखना चाहिये । डिजाइन विनिर्माण तथा पैकिंग की गिरावटें न्यूनतम होनी चाहिए और ऐसी कोई गिरावट होने की वशा से, यूनिट को सुधार के लिये प्रभावी तथा सकारात्मक उपाय करने चाहिए और उपभोक्ताओं का संतोष सुनिश्चित करना चाहिए ।

(viii) ऐसे सहायक यूनिटों द्वारा सीधे निर्यात की वशा से, जो भारत में आ० ई० विनिर्माताओं को भी माल भेजने हैं उसके पास कम से कम 3 वर्ष के लिए ऐसे सहायक यूनिटों को भेजे गए क्वालिटी प्रवाय का पूरा अभिलेख रखना होगा ।

(ix) उपर दिये गए मानक्यों के अतिरिक्त, यूनिटों से अपेक्षा की जाएगी कि उनके पास नियत प्रक्रियागत नियंत्रण की व्यवस्था हो ।

### उपबंध 3

(नियम 3 देखिए)

प्रक्रियागत क्वालिटी नियंत्रण

निर्यात के लिये आश्रयित स्थान गियर तथा नियंत्रण गियर की क्वालिटी को विनिर्माता, विनिर्माण के विभिन्न स्तरों पर निम्नलिखित नियंत्रणों को प्रयोग करके, सुनिश्चित करेगा, अर्थात् :—

1. क्रय की गई सामग्री तथा संघटक नियंत्रण :—(क) प्रयुक्त किये जाने वाले संघटकों या सामग्री की विशेषताओं तथा सहायताओं सहित विद्युत विनाशों को समाविष्ट करते हुए, विनिर्माता द्वारा क्रय विनिर्देश अधिकृत किए जाएंगे ।

(ख) स्वीकृत परेषणों के साथ या तो क्रय विनिर्देशों की अपेक्षा की संतुष्टि करते हुए उत्पादक परीक्षण प्रमाण पत्र होगा अथवा ऐसे परीक्षण प्रमाण पत्र के न होने पर क्रय विनिर्देशों से इसकी अनुकूलता की जांच करने के लिए प्रत्येक परेषण में से नमूनों की नियमित जांच की जाएगी । उत्पादन परीक्षण प्रमाण-पत्र की शुद्धता स्थापित करने के लिए पांच परेषणों में से कम से कम एक बार जांच की जाएगी ।

(ग) आने वाले परेषणों का निरीक्षण और परीक्षण, संबंधित नमूना योजना के अनुसार क्रय विनिर्देशों से अनुकूलता सुनिश्चित करने के लिए किया जाएगा ।

(घ) निरीक्षण तथा परीक्षण किये जाने के पश्चात् स्वीकृत तथा अस्वीकृत माल या संघटकों के दूषकरण के लिए अस्वीकृत माल या संघटकों के निपटान के लिये व्यवस्थित पद्धतियां अपनाई जाएंगी ।

(ङ) उपर निविष्ट नियंत्रण के संबंध में पर्याप्त अभिलेख व्यवस्थित रूप से रखा जाएगा ।

(च) विद्युत उपकरण तथा उपसाधन के अनुक्रम में सूचीबद्ध संघटक तथा उपसाधन यह विनिर्देश करते हुए कि उत्पादन के दौरान क्वालिटी नियंत्रण के पर्याप्त स्तरों को रखते हुए यूनिटों से प्राप्त किये जाएंगे ।

2. प्रक्रिया नियंत्रण :—(क) विनिर्माता, विनिर्माण की विभिन्न प्रक्रियाओं के लिए और बार प्रक्रिया विनिर्देश अधिकृत करेगा ।

(ख) प्रक्रिया विनिर्देश में अधिकृत प्रक्रियाओं को नियंत्रित करने के लिये उपस्कर या यंत्र समुच्चय की पर्याप्त सुविधाएं होंगी ।

(ग) विनिर्माण विनिर्देश प्रक्रिया के दौरान प्रयुक्त नियंत्रण की सत्यापन की संभावनाओं को सुनिश्चित करने के लिए पर्याप्त अभिलेख रखा जाएगा ।

3. उत्पाद-नियंत्रण :—(क) मानक विनिर्देशों के अनुसार उत्पाद का परीक्षण करने के लिए विनिर्माता के पास या तो अपनी परीक्षण सुविधाएं होंगी या वह वहां जा सकेगा जहां ऐसी सुविधाएं विद्यमान हों, इसका पर्याप्त अभिलेख रखा जाएगा ।

(ख) परीक्षण के लिए नमूना (जहां कहीं भी अपेक्षित हो) अभिलिखित अनुपेक्षण के आधार पर किया जाएगा ।

(ग) अधिकृत निरीक्षण जांच सूची के अनुसार प्रत्येक समुच्चय की जांच की जाएगी ।



4. मीसम संबंधी नियंत्रण :—उत्पादन तथा निरीक्षण में प्रयुक्त मापक उपकरणों की कालिक जांच या अंग शोधक किया जाएगा तथा अपेक्षित वृत्त काई के रूप में रखा जाएगा।

5. परिरक्षण नियंत्रण :— (क) विनिर्माता द्वारा उत्पादन को मीसम के प्रतिकूल प्रभावों से सुरक्षित करने के लिये व्यौरेवार विनिर्देश अधिकृत किए जाएंगे।

(ख) भंडारीकरण एवं भ्रमिबहन दोनों के दौरान उत्पाद को भली प्रकार सुरक्षित रखा जाएगा।

6. पैकिंग नियंत्रण :— पूर्वांक उत्पादों की पैकिंग के लिये विनिर्देश अधिकृत किए जाएंगे।

[सं 6(37)/76-नि०नि० तथा नि० 30]

**S.O. 1090.**—Whereas the Central Government is of opinion that it is necessary and expedient so to do for the development of the export trade of India and that in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act 1963 (22 of 1963) Switchgear and controlgear shall be subject to quality control and inspection prior to export;

And whereas the Central Government has formulated the proposal specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule and in supersession of the notification of the Government of India, Ministry of Commerce the S.O. 2304 dated the 16th July, 1977 the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestions with respect to the said proposals may forward the same within forty five days of the date of publication of this order in the Gazette of India, to the Export Inspection Council, 14/1B Ezra Street, Calcutta-1.

### PROPOSALS

(1) To notify that switchgear and controlgear shall be subject to quality control and inspection prior to export;

(2) To specify the type of quality control and inspection in accordance with the draft Export of switchgear and controlgear (quality Control and Inspection) Rules, 1979 set out in annexure I to this order as the type of quality control and inspection, which shall be applied to such Switchgears and Controlgears prior to export.

(3) To recognise—

(a) the relevant Indian standard specifications or any other national standard specification;

(b) IEC recommendations or standards, recognised as association standards and specifications approved by a Ministry a Government department or a public undertaking of any country;

(c) the specifications which do not fall under clause (a) and (b) above but are approved by a panel of experts appointed by the Export Inspection Council for the purpose of examining and approving such standards declared by the Export Inspection Council for the purpose of examining and approving such standards declared by the exporters as contractual specifications as the standard specifications for switchgear and controlgear.

(4) To prohibit the export in the course of international trade of such switchgear and controlgear unless the same are accompanied by a certificate issued by any one of the agencies recognised or established by the Central Government

under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that the switchgear and controlgear satisfy the conditions relating to quality control and inspection and are exportworthy or carry a mark or seal recognised by the Central Government under section 8 of the said Act;

2. Nothing in this order shall apply to the export by land sea or air of bonafide samples of switchgear and controlgear to prospective buyers, the f.o.b. value of which does not exceed rupees one hundred and twenty five.

3. In this Order switchgear and controlgear shall mean the following and would not include any item notified under the Order on electrical appliances and accessories.

Switchgear shall mean any switching device and its combination with associated control measuring, protective and regulating equipment, also assemblies of such devices and equipment with associated inter-connections, accessories, enclosures and supporting structures, intended in principle for use in connection with generation, transmission, distribution and conversion of electric energy.

Controlgear shall mean any switching device and its combination with associated control, measuring, protective and regulating equipment, also assemblies of such device and equipment with associated interconnections, accessories, enclosures and supporting structures intended in principle for the control of electric energy consuming equipment.

### ANNEXURE I

(Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963))

1. Short title and commencement.—(1) These rules may be called the Export of Switchgear and Controlgear (Quality Control and Inspection) Rules, 1979.

(2) They shall come into force on—

2. Definitions.—In these rules unless the context otherwise requires:

(a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

(b) "agency" means any of the Agencies established at Bombay, Calcutta, Cochin, Delhi and Madras or any other organisations recognised by the Central Government under Section 7 of the Act;

(c) "switchgear" shall mean any switching device and its combination with associated control, measuring, protective and regulating equipment, also assemblies of such devices and equipment with associated inter-connections, accessories, enclosures and supporting structures, intended in principle for use in connection with generation transmission, distribution and conversion of electric energy.

"controlgear" shall mean any switching device and its combination with associated control, measuring, protective and regulating equipment, also assemblies such devices and equipment with associated inter-connections, accessories, enclosures and supporting structures, intended in principle for the control of electric energy consuming equipment.

3. Basis and procedure for inspection.—(1) the inspection shall be carried with a view to ensuring that switchgear and controlgear intended for export have been produced by exercising the levels of control specified in Annexure II or Annexure III and the quality of the same conforms to the specifications recognised by the Central Government under section 6 of the Act.

2. Any one of the following schemes of inspection shall be adopted for switchgear and Controlgear, namely :—

(i) Any manufacturing unit fulfilling the norms listed in Annexure I shall apply to the Regional Office of Export Inspection Council, Aman Chambers (4th Floor) 113, M. Karve Road, Bombay-400004.

- (ii) Any one of the panels appointed by the Council shall visit such unit and assess as to whether effective quality assurance system is operating satisfactorily.
- (iii) The units that are approved by the Panel shall be recognised under section 7 of the Act, enabling them to issue certificate of exportworthiness for their export consignments.
- (iv) Such recognition shall be valid for a period of one year, and shall be renewed thereafter based on the continuance of the effective quality assurance system :

Provided that if the Central Government is of opinion that any recognition granted to any manufacturing units should, in the public interest, be withdrawn the Central Government may be after giving a reasonable opportunity to that unit, withdraw the recognition under section 7 of the Act.

(b) In process quality control.—(1) Any manufacturing unit having adequate in-process quality control as per Annexure III shall apply to the nearest office of the Council, given below :

Export Inspection Council,  
14/1B, Ezra Street  
Calcutta-700001.

#### REGIONAL OFFICE :—

- (1) Export Inspection Council  
Aman Chambers, 4th Floor,  
113, Maharshi Karve Road,  
Bombay-400004.
- (2) Export Inspection Council  
Manohar Building,  
Mahatma Gandhi Road  
Ernakulam,  
Cochin-682011.
- (3) Export Inspection Council  
Municipal Market Building,  
3, Saraswati Marg, Karol Bagh,  
New Delhi-110005.

Export Inspection Council shall then arrange a visit to the manufacturing unit and assess as to whether an effective in-process quality control system is operating satisfactorily.

(3) The following procedure shall be followed for inspection and certification of switchgear and controlgear, namely —

- (a) Any manufacturing unit recognised under self-certification scheme under clause (a) of sub-rule (2), shall issue certificate of exportworthiness for export consignments, manufactured by it.
- (b) (i) Any exporter (other than those manufacturing units recognised under self-certification scheme) intending to export switchgear and controlgears shall give intimation in writing of his intention so to do and submit alongwith such intimation a declaration of the specifications giving details of all technical characteristics as stipulated in the export contract relating to such export, to any one of the agencies to enable it to carry out inspection in accordance with clause (h) of sub-rule (2).
- (ii) He shall at the same time endorse a copy of such intimation for inspection to the office of the Council nearest to the office of the agency.
- (c) For export of products manufactured by units approved under clause (b) of sub-rule (2) the exporter shall also submit alongwith such intimations a declaration that the Switchgear and Controlgear intended for export has been manufactured by exercising quality control as laid down in Annexure III and that the consignment conforms to the requirements of the specifications recognised for this purpose.
- (d) Every intimation and declaration under clause (b) shall reach the office of the agency and the Council not less than two weeks prior to the despatch of the consignment from the manufacturer's premises.

- (e) The exporter shall also furnish to the agency the identification marks applied on the consignment.
- (f) On receipt of the intimation and declaration under clause (b) the agency after satisfying itself that during the process of manufacture, the unit had exercised adequate quality control as provided under Annexure-III and followed the instructions if any, issued by the Council in this regard, shall within three days issue a certificate declaring the consignment of switchgear and controlgear as exportworthy. However, the agency shall, ensure through periodic inspections that adequate controls are exercised at the manufacturing premises.
- (g) As and when required by the agency, the exporter shall supply free of charge for inspection and testing samples of switchgear and controlgear from export consignment. Such samples shall however be returned by the agency after done with.

4. Affixation of recognised mark and procedure thereof : The provisions of the Indian Standards Institution (Certification Marks) Act, 1952 (36 of 1952), the Indian Standards Institution (Certification Marks) Rules, 1955 and the Indian Standards Institution (Certification Marks) Regulations, 1955 shall so far as may apply in relation to the procedure of affixation of the recognised mark or seal on switchgear and controlgear prior to export and switchgear and controlgear so marked shall not be subjected to any inspection under rule 3.

5. Place of Inspection.—Inspection under these rules shall be carried out at the manufacturing or other premises where adequate testing and inspection facilities are available.

6. Inspection fee.—Inspection fee shall be paid by the exporter to the agency as under :

(a) For units under self-certification scheme :

Rs. 1,000 per annum for exports of less than  
Rs. 5 lakhs per annum  
Rs. 2,500 per annum for exports of over  
Rs. 5 to 25 lakhs per annum.  
Rs. 5,000 per annum for exports of over  
Rs. 25 to 50 Lakhs per annum  
Rs. 10,000 per annum for exports of over  
Rs. 50 to 100 Lakhs per annum  
Rs. 20,000 per annum for exports exceeding  
Rs. 100 Lakhs per annum

(b) For units under in-process quality control scheme :

At the rate of twenty paise for every hundred rupees of f.o.b. value subject to a minimum of rupees hundred only for each consignment.

7. Appeal.—(1) Any person aggrieved by the refusal of the agency to issue a certificate under rule 3 may within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts, consisting of not less than three persons that may be constituted by the Central Government.

(2) The panel shall consist of at least two-thirds of non-officials of the total memberships of the panel of experts.

(3) The quorum for the panel shall be three.

(4) The appeal shall be disposed of within fifteen days of its receipt.

#### ANNEXURE II

(See Rule 3)

#### Norms of Self-Certification

- (i) The unit should have an effective and comprehensive quality control set up covering all operations.
- (ii) The quality control set up should be headed by a competent technical person at a senior level and he should not be reporting to an officer who is in-charge of production.

- (iii) The unit should have detailed company standards not only for its products but also for the entire range of raw materials and components that are bought out. Such company standards should not be lower in quality to that of the relevant Indian Standard Specifications.
- (iv) The unit must have its own facilities for routine and acceptance tests and to the extent possible, type tests as well. Further the unit should have necessary equipment for exercising an effective metrological control over the gauges used by them.
- (v) The unit should have a clearly laid down scheme of testing and inspection indicating the characteristics to be tested and the frequency of testing to ensure conformity of its production to the standard specifications. The existence of a scheme of testing alone would not be sufficient but the unit should be able to convince an independent panel about its efficacy.
- (vi) The goods to be exported and to be certified under self-certification should conform to the relevant Indian Standard or any other recognized national standard.
- (vii) The unit should have a record of continuous consumer satisfaction in India and in the overseas markets for a minimum period of 3 years. Incidents of complaints of design, manufacture and packaging should be minimum and in the event of any such complaint the unit should have taken effective and positive measures of improvement and ensured customer satisfaction.
- (viii) In the case of direct exports by ancillary units, who are also supplying to O.E. manufacturers in India there should be consistent record of quality supplies to them for a minimum period of 3 years.
- (ix) Apart from the norms prescribed above the units will also be required to have the stipulated in process control.

### ANNEXURE III

(See rule 3)

#### In-process Quality Control

The quality of the switchgear and controlgear intended for export shall be ensured by the manufacturer by effecting the following controls at different stages of manufacture.

1. Bought out materials and components control.—(a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of materials or components to be used and the detailed dimensions thereof with tolerances.

(b) The accepted consignments shall be either accompanied by a producer's test certificate corroborating the requirement of the purchase specifications or in the absence of such test certificates, samples from each consignment shall be regularly tested to check up its conformity to the purchase specifications. The producer's test certificate shall be counter-checked atleast once in five consignments to verify the correctness.

(c) The incoming consignments shall be inspected and tested for ensuring conformity to purchase specifications against statistical sampling plans.

(d) After the inspection or test is carried out, systematic methods shall be adopted in segregating the accepted and rejected materials or components and in disposal or rejected materials or components.

(e) Adequate records in respect of the above mentioned control shall be systematically maintained.

(f) The components and accessories listed in the Order in Electrical appliances and Accessories shall be procured from units adjudged as having adequate levels of in-process quality control.

2. Process Control.—(a) Detailed process specification shall be laid down by the manufacturers for various processes of manufacture.

(b) Equipment or instrumentation facilities shall be adequate to control the processes as laid down in the process specifications.

(c) Adequate records shall be maintained to enable the verification of the control exercised during the process of manufacture.

3. Product Control.—(a) The manufacturer shall either have his own testing facilities or shall have access to such testing facilities existing elsewhere to test the product as per the standard specification. Adequate records thereof shall be maintained.

(b) Sampling (wherever required) for testing shall be based on a recorded investigation.

(c) Each and every assembly shall be checked against a laid down inspection check list.

4. Metrological Control.—Gauges and instruments used in the production and inspection shall be periodically checked or calibrated and records shall be maintained in the form of history cards.

5. Preservation control.—(a) A detailed specification shall be laid down by the manufacturer to safeguard the product from adverse effects of weather conditions.

(b) The product shall be well preserved both during storage and during transit.

6. Packing Control.—A specification shall be laid down for packing the aforesaid products.

[No. 6(37)/76-El&EP]

का० प्रा० 1091,--केन्द्रीय सरकार की राय है कि निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) की धारा 6 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक तथा समीचीन है कि बासमती चावल निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन किए जाएं।

केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं तथा उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षानुसार निर्यात निरीक्षण परिषद को भेज दिया है।

अनः अद्य उक्त उपनियम के अनुसरण में केन्द्रीय सरकार उससे उन सभी लोगों की जानकारी के लिए जिनके उनसे प्रभावित होने की सम्भावना है उक्त प्रस्तावों को प्रकाशित करती है।

2. सूचना दी जाती है कि उक्त प्रस्तावों के बारे में कोई आक्षेप या सुझाव देने की वांछा रखने वाला कोई व्यक्ति उन्हें इस आदेश के राजपत्र में प्रकाशन की तारीख से पैंतालीस दिनों के भीतर निर्यात निरीक्षण परिषद 'बल्ड ट्रैड सेक्टर' 14/1 वी एजरा स्ट्रीट (आठवीं मंजिल) कलकत्ता-700001 को भेज सकता है।

#### प्रस्ताव

(1) अधिसूचित करना कि बासमती चावल निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे।

(2) इस आदेश के उपबंध 1 में दिए गए बासमती चावल का निर्यात (निरीक्षण) नियम 1978 के प्राकृतिक अनुसरण निरीक्षण के प्रकार को क्वालिटी नियंत्रण और निरीक्षण के ऐसे प्रकार के रूप में विनिर्दिष्ट करना जो निर्यात से पूर्व ऐसे बासमती चावल पर लागू होगा।

(3) निर्यात किए जाने वाला बासमती चावल श्रेणीकरण तथा चिन्हन नियम, 1979 के अन्तर्गत बनाए गए श्रेणी अभिधानों को ऐसे बासमती चावल के लिए मानक विनियमों के रूप में मान्यता देना।

(4) अन्तर्राष्ट्रीय व्यापार के दौरान बासमती चावल के निर्यात को तब तक प्रतिबन्धित करना जब तक कि ऐसे बासमती चावल के डिम्बों या पैकेजों पर केन्द्रीय सरकार द्वारा मान्यता प्राप्त इस आशय का सील या चिन्हन न लगा हो कि वह उसे लागू मानक विनियमों के अनुरूप है और उसके साथ भारत सरकार के कृषि विपणन सहायकार या इस निमित्त

उसके द्वारा प्राधिकृत अधिकारी द्वारा जारी किया गया श्रेणीकरण का प्रमाण-पत्र उसकी निर्यात योग्यता के प्रमाण स्वरूप न लगा हो।

3. इस आदेश की कोई भी बात बायीं क्रेताओं को भूमार्ग, जल मार्ग या वायु मार्ग से बासमती चावल के उन नमूनों के निर्यात पर लागू नहीं होगी जिनका मूल्य पचास रुपये से अधिक नहीं है।

4. "बासमती चावल" से भारत में उत्पादित बासमती चावल अभिप्रेत है।

#### मशीन से तैयार किए हुए कच्चे बासमती चावलों (केवल निर्यात के लिए) अभिधान तथा बहालीवी परिभाषा तथा श्रेणी

##### विशेष लक्षण सहायता की अधिकतम सीमाएं

क्षेत्री पद नाम	चावल के अतिरिक्त	टूटे हुए टुकड़े	जिसमें लाल बाने भी हैं			टूटे हुए रंगहीन	खड़ियामय	कुल	भारता	
	बाह्य पदार्थ	3/4 से 1/2	1/2 से 1/4	1/4 से कम	अन्य चावल	टुकड़े	अनाज			
		आकार	आकार	आकार	लम्बे पतले प्रकार के	लम्बे पतले प्रकार के अतिरिक्त				
1	2	3	4	5	6	7	8	9	10	11
विशिष्ट	प्रतिशत	प्रतिशत	प्रतिशत	प्रतिशत	प्रतिशत	प्रतिशत	प्रतिशत	प्रतिशत	प्रतिशत	प्रतिशत
	अल्प मात्रा	5.0	2.0	शून्य	3.5	3.5	0.5	0.5	15.0	14.0
क	0.5	7.0	3.0	शून्य	5.0	5.0	0.5	1.5	22.5	14.0
ख	0.5	7.0	3.0	शून्य	8.0	5.0	0.5	2.5	25.5	14.0

साधारण लक्षण :—(1) चावल के बाने पीतमा मुक्त सफेद धूरे रंग के तथा पारदर्शी लम्बे पतले होंगे।

(2) चावल :—

- क्रोरिजा सेटीवल के सुखाए हुए पक्के बाने होंगे तथा एक सार आकार के होंगे।
- कच्ची तथा पकाई हुई दोनों दशाओं में बासमती चावल विशिष्ट प्रकार की प्राकृतिक सुगंध मुक्त होगा।
- कृत्रिम रूप रंग से नहीं होंगे और पालिशिंग तत्वों से मुक्त होगा।
- उसमें 3 प्रतिशत तक काफी चोकर मुक्त चावल हो सकता है।
- फफूँकी तथा हानिकारक गंध रहित तथा किसी भी प्रकार भी फफूँकी या जाला तथा मून अथवा जीवित धुन का नहीं होंगे।
- लम्बाई चौड़ाई का अनुपात 3.0 से कम नहीं होगा।
- अच्छी विक्रय योग्य दशा में होगा।

टिप्पणी :—लाल अनाज 2.0 प्रतिशत से अधिक नहीं होंगे।

- मातात्मक विनिर्देश का आधार :—सभी अवधारणों प्रतिशतता की गणना प्रतिनिधि नमूनों के कुल भार के आधार पर की जाएगी।
- खड़ियामय बाने :—खड़ियामय दाना चावल का वह भाग होगा जिसका प्राधा या अधिक भाग खड़ियामय हो।

#### बासमती उसला चावल (केवल निर्यात के लिए) तथा बहालीवी परिभाषा के श्रेणी अधिधन

श्रेणी पद नाम	चावल के प्रतिरिक्त बाह्य पदार्थ	विशेष लक्षण सहायता की अधिकतम सीमाएं									
		टूटे हुए टुकड़े 3/4 से 1/2 से			1/4 से कम		द्रव्य चावल जिसमें काब-बान भी होते हैं	टूटे हुए रंग टुकड़े	खड़ियामय अनाज	कुल	भारत
		आकार	आकार	आकार	लम्बे पतले प्रकार के	लम्बे पतले प्रकार के प्रतिरिक्त					
1	2	3	4	5	6	7	8	9	10	11	
विशेष	प्रतिशत	प्रतिशत	प्रतिशत	प्रतिशत	प्रतिशत	प्रतिशत	प्रतिशत	प्रतिशत	प्रतिशत	प्रतिशत	
	अल्प मात्रा	5.0	2.0	शून्य	3.5	3.5	0.5	1.0	15.5	14.0	
क	0.5	7.0	3.0	शून्य	5.0	5.0	0.5	2.0	23.0	14.0	
ख	0.5	7.0	3.0	शून्य	7.0	5.0	0.75	3.0	26.25	14.0	

साधारण लक्षण :—1. चावल के दाने सफेद रंग के तथा अत्यंत पारभाषी लम्बे पतले होंगे तथा उनमें व्यापारिक तौर पर स्वीकार्य अनुपात में बीज की सफेदी हो सकती है।

2. चावल :—

(क) ओरिजा सेटीवल के मुखाए हुए पक्के दाने होंगे तथा एकमा प्रकार तथा शक्ल के होंगे :

(ख) फफूंदी या हानिकारक गंध से मुक्त होंगे तथा किसी भी प्रकार की फफूंदी या जाला तथा मूल अणुबाजीवित धुन लगे नहीं होंगे :

(ग) कृत्रिम रूप से रंगे हुए नहीं होंगे तथा मैदा गेहूँ का आटा हल्के पुट के अतिरिक्त पॉलिशिंग ऐजेंट से मुक्त होगा :

(घ) मात्रा के साथ दोनों का उसमें 3 प्रतिशत तक काफी खोकर मुक्त चावल हो सकता है :

(ङ) लम्बाई चौड़ाई का अनुपात 3.0 से कम नहीं होगा :

(च) अच्छी विषय योग्य दशा में होंगे :

खाल दाने 2.0 प्रतिशत से अधिक नहीं होंगे।

टिप्पणीयाँ :— 1. मात्रात्मक विनिश्चय का आधार : सभी अवधारण में तथा प्रतिशतता धांगणना प्रतिनिधि भूमनों के कुल भार के आधार पर की जाएगी।

2. खड़ियामय दाने : खड़ियामय दाना चावल का वह दाना होगा जिसका आधा या अधिक भाग खड़ियामय हो।

### उपबन्ध 1

निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निम्नलिखित नियम बनाती है, अर्थात :—

1. संक्षिप्त नाम तथा प्रारम्भ :—(1) इन नियमों का नाम बासमती चावल निर्यात (निरीक्षण) नियम, 1979 है।

(2) ये ..... को प्रवृत्त होंगे।

2. परिभाषाएँ :—इन नियमों में जहाँ तक कि संदर्भ से अन्यथा अपेक्षित न हों।

(1) “अधिनियम” से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है।

(2) “कृषि विपणन सलाहकार” से भारत सरकार का कृषि विपणन सलाहकार अभिप्रेत है।

(3) “प्राधिकृत पैकर” से कोई व्यक्ति या व्यक्तियों का निकाय जिसे प्राधिकरण प्रमाण-पत्र प्रदान किया गया हो अभिप्रेत है।

(4) “प्राधिकरण प्रमाण-पत्र” से कृषि विपणन सलाहकार द्वारा किसी व्यक्ति या व्यक्तियों के निकाय को जो अधिनियम की धारा 6 के अधीन मान्यता प्राप्त बासमती चावल के लिए मानक विनिर्देशों के अनुसार बासमती चावलों का श्रेणीकरण करने की बांछा करता है जारी किया गया प्रमाण-पत्र अभिप्रेत है।

(5) “बासमती चावल” से भारत में उत्पादित बासमती चावल अभिप्रेत है।

(6) “निरीक्षण अधिकारी” से अधिनियम की धारा 7 के अन्तर्गत स्थापित या मान्यताप्राप्त अधिकरण अधिकारी अभिप्रेत है।

3. निरीक्षण का आधार :—बासमती चावलों का निरीक्षण यह देखने के विचार से किया जाएगा कि ये अधिनियम की धारा 6 के अधीन मान्यता प्राप्त बासमती चावल के लिए मानक विनिर्देशों के अनुरूप हैं।

4. निरीक्षण की प्रक्रिया : (1) निर्यात के लिए बासमती चावलों को कृषि विपणन सलाहकार द्वारा इस संबंध में जारी किए गए निर्देशों के अनुसार केवल प्राधिकृत पैकर द्वारा ही श्रेणीकरण तथा पैक किया जाएगा।

(2) बासमती चावल का निर्यात करने का इच्छुक प्राधिकृत पैकर कृषि विपणन सलाहकार द्वारा निर्धारित विवरणों सहित निकटतम निरीक्षण अधिकारी को देगा ताकि वह नियम 3 के अनुसार बासमती चावलों के भाटों को श्रेणीकरण तथा चिन्हित कर सके।

(3) उप-नियम (2) के अन्तर्गत प्रत्येक सूचना :—

(क) निरीक्षण अधिकारी के मुख्यालयों पर स्थित पैकिंग केंद्रों पर श्रेणीकरण तथा चिन्ह लगाने से कम से कम तीन दिन पूर्व दी जाएगी।

(ख) अन्य स्थानों पर जो निरीक्षण अधिकारी के मुख्यालयों पर स्थित न हों, श्रेणीकरण तथा चिन्ह लगाने से कम से कम दस दिन पूर्व दी जाएगी।

(4) उप-नियम (3) में निर्दिष्ट सूचना प्राप्त होने पर निरीक्षण अधिकारी बासमती चावलों के परेपणों का निरीक्षण कृषि विपणन सलाहकार द्वारा जारी किए गए अनुदेशों के अनुसार यह जांच करने के विचार से करेगा कि वह नियम 3 में निर्दिष्ट मान्यता प्राप्त विनिर्देशों की अपेक्षाओं को पूरा करता है।

(5) निरीक्षण अधिकारी यदि उसका समाधान हो जाता है कि परेपण नियम 3 में निर्दिष्ट विनिर्देशों के अनुरूप है तो कृषि विपणन सलाहकार द्वारा जारी किए गए निर्देशों के अनुसार बासमती चावलों के डिब्बों पर चिपकाने के लिए एमार्क लेबल जारी करेगा।

परन्तु यदि निरीक्षण अधिकारी का यह समाधान नहीं होता है तो वह उक्त एमार्क लेबलों को जारी करने से इंकार कर देगा तथा उसके कारणों सहित उस तथ्य को लिखित रूप में प्राधिकृत पैकर को शीघ्र ही प्रेषित करेगा।

(6) बासमती चावल के लेबल लगे तथा श्रेणीकृत किए हुए परेपणों का निर्यात करने का इच्छुक प्राधिकृत पैकर कृषि विपणन सलाहकार द्वारा निर्धारित विवरणों सहित बासमती चावलों के निर्यात योग्य होने के प्रमाण स्वरूप श्रेणीकरण का प्रमाण-पत्र के लिए निरीक्षण अधिकारी के निकटतम कार्यालय में आवेदन करेगा ताकि वह नियम 3 के अनुसार ऐसे प्रमाण-पत्र जारी कर सके।

(7) उप-नियम (6) के अधीन प्रत्येक सूचना :—

(क) उप-नियम (6) में निर्दिष्ट निरीक्षण अधिकारी के मुख्यालयों पर स्थित वैकिंग केन्द्रों पर प्रमाण-पत्र जारी किए जाने से दो दिन पूर्व हो जाएगी।

(ख) उप-नियम (6) में निर्दिष्ट अन्य स्थानों पर जा निरीक्षण अधिकारी के मुख्यालय पर स्थित न हो, प्रमाण-पत्र जारी करने से तीन दिन पहले हो जाएगी।

(8) उप-नियम (6) में निर्दिष्ट परेपणों के नमूनों की जांच पड़ताल करने तथा जांच नमूनों के परीक्षण के पश्चात यदि निरीक्षण अधिकारी का समाधान हो जाता है कि नमूनेषु श्रेणी मान्यता प्राप्त विनिर्देशों के अनुसार है तो वह ऐसे परेपणों के संबंध में उनके निर्यात योग्य होने की बाबत एक प्रमाण-पत्र जारी करेगा।

परन्तु जहाँ निरीक्षण अधिकारी का ऐसा समाधान नहीं होता बहुत मुरत ही प्राधिकृत पैकर को लिखित कारणों सहित इस तथ्य को संसूचित करेगा तथा उक्त प्रमाण-पत्र जारी नहीं करेगा।

5. निरीक्षण का स्थान :—इन नियमों के प्रयोजन के लिए आरम्भिक प्राधिकृत पैकर प्रमाण-पत्र में उल्लिखित प्राधिकृत परिसरों पर किया जाएगा तथा जांच निरीक्षण या नमूने जांच निर्यात से पूर्व किसी भी स्थान पर किया जा सकता है।

6. एग्मार्क, लेबलों के प्रभार का संदाय :—प्राधिकृत पैकर कृषि विपणन सलाहकार द्वारा विनिर्दिष्ट रीति से, एग्मार्क लेबलों के प्रभार का संदाय करेगा जो भारत सरकार द्वारा समय-समय पर अधिसूचित किए जाएंगे।

7. परख या जांच नमूने का पुनः परीक्षण (1)—यदि पैकर निरीक्षण अधिकारी के परिणामों से संतुष्ट नहीं है तो वह परेपण के पुनः परीक्षण का प्रबंध करने के लिए संबंधित अधिकारी से लिखित रूप में अनुरोध करने का हकदार होगा तथा उसके पश्चात एक या अधिक परख नमूने या जांच नमूने लिए जाएंगे तथा उसकी जांच की जाएगी। अधिकारी श्रेणीकृत या चिह्नित पैकेजों की कुछ संख्या के कम से कम 2% तथा अधिक से अधिक 5% यत्रतय में चुन सकता है।

(2) उप-नियम (1) के अधीन विप्लेपण के परिणामों का पूर्ववर्ती नमूनों के साथ औसतनिकाया जाएगा तथा औसत का परिणाम श्रेणी अधिष्ठान निर्धारित करने के लिए लिया जाएगा।

8. अपील :— (1) यदि प्राधिकृत पैकर नियम 4 के उप-नियम (5) या उप-नियम (8) के अंतर्गत परेपण का कर्षीकरण करने से या प्रमाण-पत्र जारी करने से निरीक्षण अधिकारी द्वारा इंकार करने से व्यक्ति है तो वह इस संबंध में कृषि विपणन सलाहकार द्वारा इस नियंत्रित स्थापित स्थानीय सलाहकार पैनल को विचार भेजने के लिए टीक भ्रगले कार्य दिवस को मांय 5 बजे तक लिखित रूप में निरीक्षण अधिकारी प्राथन्य कर सकता है।

(2) स्थानीय सलाहकार पैनल केवल परेपण के नमूनों के औतिक तत्व पर ही विचार करेगा।

(3) साधारण तथा मामला स्थानीय सलाहकार पैनल लेके दो सबस्यों को ही निर्दिष्ट किया जाएगा जो न तो प्रत्यक्ष रूप से और न ही अप्रत्यक्ष रूप से उस निर्यात कर्ता में, उसके माध जिमने अपील की है, सचि या संबंध रखते हैं।

(4) वे सबस्य जिन्हें कोई विशिष्ट अपील निर्दिष्ट की जाती है, कृषि विपणन सलाहकार द्वारा चुने जाएंगे।

(5) सब निरीक्षण अधिकारी उक्त प्राधिकृत पैकर की अपील प्राप्त होने के पांच दिन के भीतर उप-नियम (2) में निर्दिष्ट अनुसार स्थानीय सलाहकारों के पैनल के दो सबस्यों का अधि-वेजन बुलाने का प्रबंध करेगा।

(6) (क) यदि दो सबस्यों में से एक सबस्य निरीक्षण अधिकारी के निर्णय से सहमत है तो निरीक्षण अधिकारी का निर्णय मान्य होगा।

(ख) यदि पैनल के दोनों ही सबस्य निरीक्षण अधिकारी के निर्णय से असहमत है या कोई भी सबस्य निरीक्षण अधिकारी के नियमन का उत्तर न दे तो मामला कृषि सलाहकार को भेजा जाएगा जो उसका निर्णय करेगा।

#### अनुबन्ध 2

केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के कृषि विपणन सलाहकार को बासमती चावल का निर्यात से पूर्व निरीक्षण करने के लिए अधिकरण के रूप में मान्यता देती है।

व्याख्या—इस अधिसूचना में "बासमती चावल" से भारत में उत्पन्न बासमती चावल अभिप्रेत है।

[सं० 6(8)/77-नि०नि० तथा नि०उ०]

सी० बी० कुकरेती, संयुक्त निवेशक

New Delhi, the 31st March, 1979

S.O. 1091.—Whereas in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) the Central Government is of opinion that it is necessary and expedient so to do for the development of the export trade of India that basmati rice should be subject to quality control and inspection prior to export.

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council, as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964.

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within fortyfive days of the date of publication of this order in the official Gazette to the Export Inspection Council, 'World Trade Centre', 14/1B Ezra Street (7th floor), Calcutta-700001.

#### PROPOSALS

(1) To notify that basmati rice shall be subject to quality control and inspection prior to export;

(2) To specify the type of inspection in accordance with the draft Export of Basmati Rice (Inspection) Rules, 1979, set out in the Annexure I to this order as the type of quality control and inspection which shall apply to such basmati rice prior to export.

(3) To recognised the grade designations formulaed under the Basmati Rice for Export Grading and Marketing Rules, 1978, as the standard specifications for such basmati rice.

(4) To prohibit the export in the course of International trade of basmati rice unless a mark or seal recognised by the Central Government as indicating that it conforms to the standard specifications applicable to it has been affixed or applied to packages or containers of such basmati rice and is accompanied by a certificate of grading issued by the Agricultural Marketing Adviser to the Government of India or by an Officer authorised by him in this behalf, in token of its exportworthiness.

3. Nothing in this order shall apply to export by sea, land or air of samples of basmati rice not exceeding in value of rupees fifty to prospective buyers.

4. "Basmati rice" means the basmati rice produced in India."

## GRADE DESIGNATIONS AND DEFINITION OF QUALITY OF BASMATI RAW MILLED RICE (FOR EXPORT ONLY)

Grade designation	Special Characteristics (Maximum limits of tolerance)									
	Foreign matter other than rice	Broken grains			Other rice including red grains*		Damaged/ discoloured grains	Total	Moisture	
		$\frac{3}{4}$ to $\frac{1}{2}$ size	$\frac{1}{2}$ to $\frac{1}{4}$ size	Below $\frac{1}{4}$ size	Long slender varieties	Other than long slender varieties				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Special	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent
	Traces	5.0	2.0	Nil	3.5	3.5	0.5	0.5	15.00	14.0
A	0.5	7.0	3.0	Nil	5.0	5.0	0.5	1.5	22.5	14.0
B	0.5	7.0	3.0	Nil	8.0	5.0	0.5	2.5	26.5	14.0

General Characteristics : (1) The grains shall be long slender of white creamy or greyish colour and translucent.

(2) The rice :

- Shall be the dried matured kernels of *Oryza sativa* and have uniform size and shape.
- Shall possess in a marked degree the natural fragrance characteristic of Basmati Rice both in the raw and cooked state.
- Shall not have been artificially coloured and shall be free from polishing agents.
- May contain upto 3 percent of grains with an appreciable amount of bran thereon.
- Shall be free from musty or obnoxious odour and shall carry no sign of mould or containing webs and dead or live weevils.
- Shall have length breadth ratio of not less than 3.0.
- Shall be in sound merchantable condition.

\*Red grains shall not exceed 2.0 percent.

NOTE—1. Basis of quantitative determinations:—All determinations and percentages shall be reckoned on the basis of the total weight of a representative samples.

2. Chalky grain : A chalky grain shall be a grain of rice one-half or more of which is chalky.

## GRADE DESIGNATIONS AND DEFINITION OF QUALITY OF BASMATI PARBOILED RICE (FOR EXPORT ONLY)

Grade Designation	Foreign matter other than rice	Special characteristics (Maximum limits of tolerance)								
		Broken grains			Other rice including red grains*		Damaged/ Chalky discoloured grains	Total	Moisture	
		$\frac{3}{4}$ to $\frac{1}{2}$ size	$\frac{1}{2}$ to $\frac{1}{4}$ size	Below $\frac{1}{4}$ size	Long slender varieties	Other than long slender varieties				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Special	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent
	Traces	5.0	2.0	Nil	3.5	3.5	0.5	1.0	15.5	14.0
A	0.5	7.0	3.0	Nil	3.0	3.0	0.5	2.0	23.0	14.0
B	0.5	7.0	3.0	Nil	7.0	5.0	0.75	3.0	26.25	14

General Characteristics (1) The grains shall be long slender of white colour and highly translucent and may contain abdominal white in commercially acceptable proportions.

(2) The rice :—

- (a) Shall be the dried matured kernels of *oryza sativa* and have uniform size and shape.
- (b) Shall be free from musty or obnoxious odour and shall carry no sign of mould or contain webs or dead or live weevils.
- (c) Shall not have been artificially coloured and shall be free from polishing agents other than slight trace of maize (wheat flour).
- (d) May contain up to 3 per cent of grains with an appreciable amount of bran thereon.
- (e) Shall have length breadth ratio of not less than 3.0.
- (f) Shall be in sound merchantable condition.

\*Red grains shall not exceed 2.0 percent.

NOTE :— 1. Basis of quantitative determination:—All determinations and percentage shall be reckoned on the basis of the total weight of a representative sample.

2. Chalky grains:—A chalky grain shall be a grain of rice one half or more of which is chalky

#### ANNEXURE I

In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, hereby, makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Export of Basmati Rice (Inspection) Rules, 1979.

(2) They shall come into force on.....

2. Definitions.—In these rules, unless the context otherwise requires,

- (1) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) ;
- (2) "Agricultural Marketing Adviser" means the Agricultural Marketing Adviser to the Government of India,
- (3) "authorised packer" means the person or body of persons who has been granted a certificate of authorisation ;
- (4) "certificate of authorisation" means the certificate issued by the Agricultural Marketing Adviser to a person or body of persons, desirous of grading basmati rice as per standard specifications for basmati rice recognised under section 6 of the Act,
- (5) "basmati rice" means basmati rice produced in India ;
- (6) "Inspection Officer" means the agency established or recognised under section 7 of the Act.

3. Basis of inspection.—Inspection of basmati rice shall be carried out with a view to seeing that the same conforms to the standard specifications recognised by the Central Government under section 6 of the Act.

4. Procedure of inspection.—(1) Basmati rice for export shall be graded and packed only by the authorised packer in accordance with the instructions issued in this behalf by the Agricultural Marketing Advisor.

(2) An authorised packer intending to export basmati rice shall give intimation in writing along with such details as may be prescribed by the Agricultural Marketing Adviser to the nearest Inspecting Officer to enable him to grade and mark basmati rice lots in accordance with rule 3.

(3) Every intimation under sub-rule (2) shall be given—

- (a) not less than three days before the grading and marketing is to be carried out at the packing centres situated at the headquarters of the Inspecting Officer,

- (b) not less than ten days before the grading and marketing is to be carried out at other places, which are not situated at the headquarters of the Inspecting Officers.

(4) On receipt of the intimation referred to in sub-rule (3), the Inspecting Officer shall inspect the consignments of basmati rice as per the instructions issued by the Agricultural Marketing Adviser with a view to check up that the same complies with the requirements of the recognised specifications referred to in rule 3.

(5) The Inspecting Officer shall issue agmark labels for affixing the same on the containers of basmati rice as per instructions issued by the Agricultural Marketing Adviser, in case he is satisfied that the consignment is as per specifications referred to in rule 3.

Provided that if the Inspecting Officer is not so satisfied, he shall refuse to issue the said agmark labels and convey the fact immediately in writing to the authorised packer along with the reasons therefor.

(6) An authorised packer intending to export the graded and labelled consignments of basmati rice shall apply to the nearest office of the Inspecting Officer for a certificate of grading in token of its export-worthiness in writing along with such details as prescribed by the Agricultural Marketing Adviser in accordance with rule 3 to enable him to issue such certificate.

(7) Every intimation under sub-rule (6) shall be given—

- (a) not less than two days before the certificate referred to in sub-rule (6) is to be issued at the packing centres situated at the headquarters of the Inspecting Officer ;
- (b) not less than three days before the certificate referred to in sub-rule (6) is to be issued at other places, which are not situated at the headquarters of the Inspecting Officer.

(8) If, after check sampling of the consignments referred to in sub-rule (6) and after examination of the check samples, the Inspecting Officer is satisfied that the grade assigned is as per recognised specifications, he shall issue a certificate of grading in respect of such consignments in token of their export-worthiness ;

Provided that whenever the Inspecting Officer is not so satisfied he shall immediately intimate the fact in writing to the authorised packer along with the reasons and shall not issue the said certificate.

5. Place of inspection.—Initial inspection for the purpose of these rules shall be carried out at the authorised premises mentioned in the certificate of authorisation and check inspection or check sampling can be done at any point before export.



6. Payment of charges for agmark labels.—The authorised packer shall pay the agmark labels charges which are notified by the Government of India from time to time, in the manner specified by the Agricultural Marketing Adviser.

7. Re-examination of the test or check sample.—(1) If the packer is not satisfied with the results of the Inspecting Officer he shall be entitled to request the concerned Inspecting Officer in writing to arrange for re-examination of the consignment and one more test sample or a check sample shall, thereafter, be drawn and tested. The officer may select at random not less than 2 per cent and not more than 5 per cent of the total number of graded and marked packages.

(2) The results of analysis under sub-rule (1) shall be averaged with those of the previous sample and average result shall be taken for determining the grade designation.

8. Appeal.—(1) If the authorised packer is aggrieved by the refusal of the Inspecting Officer to grade a consignment or to issue a certificate under sub-rule (5) or sub-rule (8) of rule 4, he may request the Inspecting Officer, in writing, latest by 5 p.m. on the following working day to refer the dispute to the local advisory panel, set up by the Agricultural Marketing Adviser in this behalf.

(2) The local advisory panel shall consider only the physical factors of the samples of the consignment.

(3) A case shall generally be referred to two members of the local advisory panel, who are neither directly nor indirectly interested or connection with the exporter who has preferred the appeal.

(4) The members to whom a particular appeal is to be referred to, shall be selected by the Agricultural Marketing Adviser.

(5) The Inspecting Officer shall then arrange to call a meeting of the two members of the local advisory panel, as referred to in sub-rule (2) above, within five days of the date of receipt of the appeal from the said authorised packer.

(6) (a) If one of the two members agrees with the decision of the Inspecting Officer, the decision of the Inspecting Officer shall stand.

(b) If both the members of the panel differ from the decision of the Inspecting Officer or none of the members invited respond to the invitation of the Inspecting Officer within the prescribed time, the matter shall be referred to the Agricultural Marketing Adviser, who shall decide the same.

## ANNEXURE II

In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises the Agricultural Marketing Adviser to the Government of India as the agency for inspection of basmati rice prior to its export.

Explanation.—In this notification, "basmati rice" means basmati rice produced in India.

[No. 6(8)/77-EI&EP]

C. B. KUKRETI, Jt. Director

## उच्चांग मंत्रालय

(औद्योगिक विकास विभाग)

नई दिल्ली, 17 मार्च, 1979

## सूचना-पत्र

का० आ० 1092.—भारत के समाधारण राजपत्र के भाग-2, खंड-3, उपखंड (2) में 8 जून, 1978 को प्रकाशित इस मंत्रालय के आदेश सं० का० आ० 377 (ई)/आई डी आर ए/21/1/78-पटसन में क्रमांक 16 की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि की जायेगी:—

"16-अध्यक्ष-सह-प्रबंध निदेशक,  
भारतीय पटसन निगम,  
कलकत्ता।"

[फा० सं० 21/1/78-जुट]

एस० के० सरकार, संयुक्त सचिव

## MINISTRY OF INDUSTRY

(Department of Industrial Development)

New Delhi, the 17th March, 1979

## CORRIGENDUM

S.O. 1092.—In this Ministry's Order No. S.O. 377(E)/IDRA/21/1/78-Jute published in the Gazette of India Extraordinary of the 8th June, 1978, in part II, Section 3, Sub-Section (ii) the entry appearing at Serial Number 16 shall be deleted and substituted by the following :

"16, Chairman-cum-Managing Director, Jute Corporation of India, Calcutta."

[F. No. 21/1/78-Jute]

S. K. SARKAR, Jt. Secy.

## स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 20 मार्च, 1979

का० आ० 1093.—यतः भारतीय चिकित्सा परिषद अधिनियम, 1956 (1956 का 102) की धारा 7 की उपधारा (4) के साथ पठित धारा 3 की उपधारा (1) के खंड (क) के उपबन्धों के अनुसरण में केन्द्रीय सरकार कर्नाटक सरकार के परामर्श से 16 मार्च, 1979 से डा० वार्ड० पी० रुद्रप्पा चिकित्सा शिक्षा निदेशक, कर्नाटक सरकार, बंगलूर को भारतीय चिकित्सा परिषद का सदस्य मनोनीत करती है;

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबन्धों के अनुसरण में केन्द्रीय सरकार एतद्वारा भूतपूर्व स्वास्थ्य मंत्रालय भारत सरकार की 9 जनवरी, 1960 की अधिसूचना संख्या एस० ओ० 138 में निम्नलिखित और संशोधन करती है, अर्थात्—

उक्त अधिसूचना में "धारा 3 की उपधारा (1) के खंड (क) के अधीन मनोनीत" शीर्ष के अंतर्गत क्रम संख्या 12 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टि प्रतिस्थापित की जाए, अर्थात्:—

12. डा० वार्ड० पी० रुद्रप्पा,  
निदेशक, चिकित्सा शिक्षा,  
कर्नाटक सरकार, रात्र सर्कल,  
बंगलूर-560009.

[सं० वी० 11013/3/79 एम०ई०(पी०)]

## MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 20th March, 1979

S.O. 1093.—Whereas the Central Government have, in pursuance of clause (a) of sub-section (1) of section 3 read with sub-section (4) of section 7 of the Indian Medical Council Act, 1956 (102 of 1956), nominated in consultation with the Government of Karnataka, Dr. Y. P. Rudrappa, Director of Medical Education, Government of Karnataka, Bangalore to be a member of the Medical Council of India with effect from 16th March, 1979.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of Government of India in the late Ministry of Health No. S. O. 138, dated the 9th January, 1960, namely:—

In the said notification, under the heading "Nominated under clause (a) of sub-section (1) of section 3", for Serial Number 12 and the entry relating thereto, the following serial number and entry shall be substituted, namely:—

- "12. Dr. Y. P. Rudrappa,  
Director of Medical Education,  
Government of Karnataka,  
Rao Circle,  
BANGALORE-560009."

[No. V. 11013/3/79. M. E. (Policy)]

**कांशा 1094.**—यनः भारतीय आयुर्विज्ञान परिषद अधिनियम 1956 (1956 का 102) की धारा 7 की उपधारा 4 के साथ पठित धारा 3 की उपधारा (1) के खंड (क) के अनुसरण में केन्द्रीय सरकार, आंध्र प्रदेश सरकार से परामर्श करके डा० शान्ती नारायण माथुर के स्थान पर डा० डी० भास्कर रेड्डी, निवेशक, चिकित्सा शिक्षा एवं प्रशासन, आंध्र प्रदेश को 5 मार्च, 1979 से भारतीय आयुर्विज्ञान परिषद का सदस्य मनोनित किया है।

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) का पालन करते हुए केन्द्रीय सरकार एतद्वारा भूतपूर्व स्वास्थ्य मंत्रालय, भारत सरकार की 9 जनवरी, 1960 की अधिसूचना संख्या एस०ओ० 138 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खंड (क) के अधीन मनोनित” शीर्ष के अन्तर्गत क्रम संख्या 7 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टि प्रतिस्थापित की जाए, अर्थात् :—

“7. डा० डी० भास्कर रेड्डी,  
निवेशक,  
चिकित्सा शिक्षा एवं प्रशासन,  
आंध्र प्रदेश सरकार,  
हैदराबाद।”

[सं० बी० 11013/4/79-एम०ई०(पी)]

**S.O. 1094.**—Whereas the Central Government have in pursuance of clause (a) of sub-section (1) of section 3 read with sub-section (4) of section 7 of the Indian Medical Council Act, 1956 (102 of 1956), nominated in consultation with the Government of Andhra Pradesh, Dr. D. Bhaskara Reddy, Director, Medical Education and Administration, Andhra Pradesh to be a member of the Medical Council of India with effect from 5th March, 1979, vide Dr. Shanti Narayan Mathur;

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of Government of India in the late Ministry of Health No. S. O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading “Nominated under clause (a) of sub-section (1) of section 3”, for Serial No. 7 and the entry relating thereto, the following Serial No. and entry shall be substituted, namely :—

“7. Dr. D. Bhaskara Reddy,  
Director,  
Medical Education and Administration,  
Government of Andhra Pradesh,  
Hyderabad.”

[No. V. 11013/4/79-M. E. (Policy)]

**कांशा 1095.**—यनः भारतीय आयुर्विज्ञान परिषद अधिनियम 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ख) के उपबन्धों के अनुसरण में बंगलोर विश्वविद्यालय ने सेंट जॉन्स मेडिकल कालेज, बंगलोर के चिकित्सा विभाग के प्रोफेसर तथा अध्यक्ष डा० जी० एन० रेड्डी को 30 मार्च, 1979 से भारतीय आयुर्विज्ञान परिषद का फिर से सदस्य निर्वाचित किया है।

अतः अब उक्त अधिनियम की धारा 7 की उपधारा (2) के साथ पठित धारा 3 की उपधारा (1) के उपबन्धों का पालन करने हेतु सेंट जॉन्स मेडिकल कालेज, बंगलोर के चिकित्सा विभाग के प्रोफेसर तथा अध्यक्ष डा० जी० एन० रेड्डी भारतीय आयुर्विज्ञान परिषद के सदस्य बने रहेंगे।

[सं० बी० 11013/5/79-एम०ई०(पी)]

**S.O. 1095.**—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. G. N. Reddy, Professor and Head of the Department of Medicine, St. John's Medical College, Bangalore has been elected by the Bangalore University to be a member of the Medical Council of India with effect from the 30th March, 1979;

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 read with sub-section (2) of section 7 of the said Act, Dr. G. N. Reddy, Professor and Head of the Department of Medicine, St. John's Medical College, Bangalore, shall continue to be the member of the Medical Council of India.

[No. V. 11013/5/79-M. E. (Policy)]

**कांशा 1096.**—यनः भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 7 की उपधारा (4) के साथ पठित धारा 3 की उपधारा (1) के खंड (ख) के उपबन्धों के अनुसरण में बर्द्वान विश्व विद्यालय के बर्द्वान मेडिकल कालेज, बर्द्वान पश्चिम बंगाल के प्रिंसिपल डा० एम० गंगुली को 2 मार्च, 1979 से डा० बी० चक्रवर्ती के स्थान पर भारतीय आयुर्विज्ञान परिषद का सदस्य निर्वाचित किया है।

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबन्धों के अनुसरण में केन्द्रीय सरकार एतद्वारा भूतपूर्व स्वास्थ्य मंत्रालय की 9 जनवरी, 1960 की अधिसूचना संख्या एस०ओ० 138 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित”, शीर्ष के अन्तर्गत क्रम संख्या 53 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टि प्रतिस्थापित की जाए, अर्थात् :—

“53. डा० एम० गंगुली, प्रिंसिपल,  
बर्द्वान मेडिकल कालेज, बर्द्वान,  
पश्चिम बंगाल।”

[सं० बी० 11013/6/79-एम०ई०(पी)]

आर० बी० श्रीनिवासन, उप सचिव

**S.O. 1096.**—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 read with sub-section (4) of section 7 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. M. Ganguli, Principal, Burwan Medical College, Burdwan West Bengal, has been elected by the Burdwan University to be a member of the Medical Council of India with effect from the 2nd March, 1979, vice Dr. B. Chakraborty.

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the late Ministry of Health No. S. O. 138 dated the 9th January, 1960, namely :—

In the said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3”, for Serial No. 53 and the entry relating thereto, the following Serial No. and entry shall be substituted, namely :—

“53. Dr. M. Ganguli,  
Principal,  
Burdwan Medical College,  
Burdwan West Bengal.”

[No. V. 11013/6/79-M. E. (Policy)]

R. V. SRINIVASAN, Dy. Secy.

## कृषि और सिंचाई मंत्रालय

(कृषि विभाग)

आदेश

नई दिल्ली, 14 फरवरी, 1979

## MINISTRY OF AGRICULTURE &amp; IRRIGATION

(Department of Agriculture)

ORDER

New Delhi, the 14th February, 1979.

का०आ० 1097.—केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण तथा अपील) नियमावली, 1965 के नियम 12 के उप नियम (2) द्वारा प्रवृत्त शक्तियों का प्रयोग करने हुए राष्ट्रपति आदेश देते हैं कि भारतीय रेलवे लेखा सेवा के अधिकारी श्री ए० घोष (जो इस समय, दिल्ली बुध योजना में वित्तीय सलाहकार तथा मुख्य लेखा अधिकारी के पद पर कार्य कर रहे हैं), दिल्ली बुध योजना के ग्रुप "ग" तथा ग्रुप "घ" के पदों के लिए अनुशासन अधिकारी के रूप में कार्य करेंगे।

S. O. 1097. —In exercise of the powers conferred by sub-rule (2) of rule 12 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby orders that Shri A. Ghosh, an officer of Indian Railway Accounts Service, and presently working as Financial Adviser and Chief Accounts Officer in Delhi Milk Scheme, shall act as the Disciplinary Authority for Group 'C' and Group 'D' posts of the Delhi Milk Scheme.

[सं० 13-68/78-एन० डी० 1]

भार० एस० सूद, अवर सचिव

(ग्राम विकास विभाग)

नई दिल्ली 15 मार्च, 1979

[No. 13-68/78LD1]

R.S. SOOD, Under Secy.

का०आ० 1098.—पपेन श्रेणीकरण और चिह्नानुक्रम नियम, 1978 का कृषि उपज (श्रेणीकरण और चिह्नानुक्रम) अधिनियम, 1937 (1937 का 1) की धारा 3 की अपेक्षानुसार, भारत सरकार के कृषि और सिंचाई मंत्रालय (ग्राम-विकास विभाग) की अधिसूचना सं० का०आ० 1740, तारीख 31 मई, 1978 के अधीन भारत के राजपत्र भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 17 जून, 1978 में पृष्ठ 1623 से 1628 पर प्रकाशित किया गया था, और उन सभी लोगों से जिनके उनसे प्रभावित होने की संभावना है अधिसूचना के राजपत्र में प्रकाशन की तारीख से पैंतालीस दिन की अवधि के अवसान से पूर्व आपत्ति और सुझाव मांगे गये हैं।

और राजपत्र की प्रतियाँ 17 जून, 1978 को जनता को उपलब्ध करा दी गई थीं।

और पूर्वोक्त अवधि के अवसान के पूर्व केन्द्रीय सरकार को उक्त प्रारूप की भावना कोई भी आपत्ति या सुझाव प्राप्त नहीं हुए।

अतः अब उक्त अधिनियम की धारा 3 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, निम्नलिखित नियम बनाती है, अर्थात्:—

## नियम

पपेन श्रेणीकरण और चिह्नानुक्रम नियम, 1979

1. संक्षिप्त नाम, प्रारम्भ और लागू होना:—(1) इन नियमों का नाम पपेन श्रेणीकरण और चिह्नानुक्रम नियम, 1979 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

(3) ये भारत में उत्पादित कच्चे पपीतों के रूध से भारत में तैयार किये गये पपेन को लागू होंगे।

2. परिभाषाएँ:—इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो:—

(क) 'कृषि विपणन सलाहकार' से भारत सरकार का कृषि विपणन सलाहकार, अभिप्रेत है।

(ख) अनुसूची से इन नियमों से उपाखण्ड अनुसूची अभिप्रेत है।

3. श्रेणी नाम:—पपेन की क्वालिटी उपदर्शित करने वाले श्रेणी नाम, अनुसूची 2 और 3 के स्तम्भ 2 में दर्शित रूप में होंगे।

4. क्वालिटी की परिभाषा संबंधित श्रेणी नामों द्वारा उपदर्शित पपेन की क्वालिटी अनुसूची 2 और 3 के स्तम्भ 2 से 11 तक में प्रत्येक श्रेणी नाम के सामने दर्शित रूप में होंगे।

5. श्रेणी नाम चिह्न:—श्रेणी नाम चिह्न (1) में या तो ऐंसी डिजाइन होगी, जिसमें प्राधिकार पत्र का संख्यांक, 'एम्माक' शब्द और कृषि विपणन सलाहकार द्वारा अनुमोदित श्रेणी दी गई होगी, और अनुसूची 1 के उपवर्णन के सदृश होगा; या

(2) ऐंसा लेखल होगा जिसमें कृषि विपणन सलाहकार द्वारा अनुमोदित श्रेणी चिह्नित होगी और भारत का एक ऐसा मानचित्र होगा जिसमें राज्य 'एम्माक' और 'उत्तरे सूर्य सहित' भारत की उपज, शब्द होंगे, और जो अनुसूची 1 के उपवर्णन के सदृश होगा।

6. चिह्नानुक्रम की पद्धति:—(1) श्रेणी नाम चिह्न, कृषि विपणन सलाहकार द्वारा अनुमोदित रीति से प्रत्येक प्राधान पर अच्छी तरह चिपकाया या मुद्रित किया जायेगा।

(2) उपर्युक्त के अनुरिक्त निम्नलिखित विशिष्टताएँ भी, प्रत्येक प्राधान पर स्पष्टतया और अमिट रूप में चिह्नानुक्रम की जायेंगी, अर्थात्:—

(क) कोष्ठ में या सादे अक्षरों में पैकिंग की तारीख

(ख) बैच संख्या

(ग) शुद्ध भार

(घ) पैकिंग का स्थान

(ङ) कृषि विपणन सलाहकार द्वारा, समय-समय पर यथाअवधि, कोई अन्य विशिष्टताएँ।

(3) प्राधिकृत पैकर, कृषि विपणन सलाहकार का पूर्वानुमोदन अधिप्राप्त करके उक्त अधिकारी द्वारा अनुमोदित रीति से आधान पर अपना निजी व्यापार चिह्न चिह्नित करेगा, परन्तु यह तब जब निजी व्यापार चिह्न, इन नियमों के अनुसार आधान पर लगाये गये श्रेणी नाम चिह्न द्वारा उपरिष्ठित पपेन की क्वालिटी या श्रेणी से भिन्न क्वालिटी या श्रेणी का बोधक न हो।

7. पैकिंग की पद्धति :—(1) पपेन को, 150 ग्राम, 500 ग्राम, 1 कि० ग्रा०, 5 कि०ग्रा० 10 कि०ग्रा०, और 50 कि०ग्रा० की पोलीथीन की थोतलों में या पैकेटों में या गव्थनीकृत टिनों में पैक किया जायेगा और फिर उन्हें अनिवार्यतः बलीषित बाक्सों या लकड़ी के केटों में या कृषि सलाहकार द्वारा यथाअनुमोदित किसी अन्य रीति से पैक किया जायेगा।

8. प्राधिकार की विशेष शर्तें :—साधारण श्रेणीकरण और चिह्निकन नियम, 1937 के नियम 4 में विनिर्दिष्ट शर्तों के अनुरिक्त, इन नियमों के प्रयोजनार्थ जारी किये गये प्रत्येक प्राधिकार पत्र की निम्नलिखित विशेष शर्तें होंगी, अर्थात् :—

(1) प्राधिकृत पैकर, पपेन का निरीक्षण करने के लिये ऐसी व्यवस्था करेगा जैसी कि कृषि विपणन सलाहकार साधारण या विशेष आदेश द्वारा समय-समय पर विनिर्दिष्ट करे।

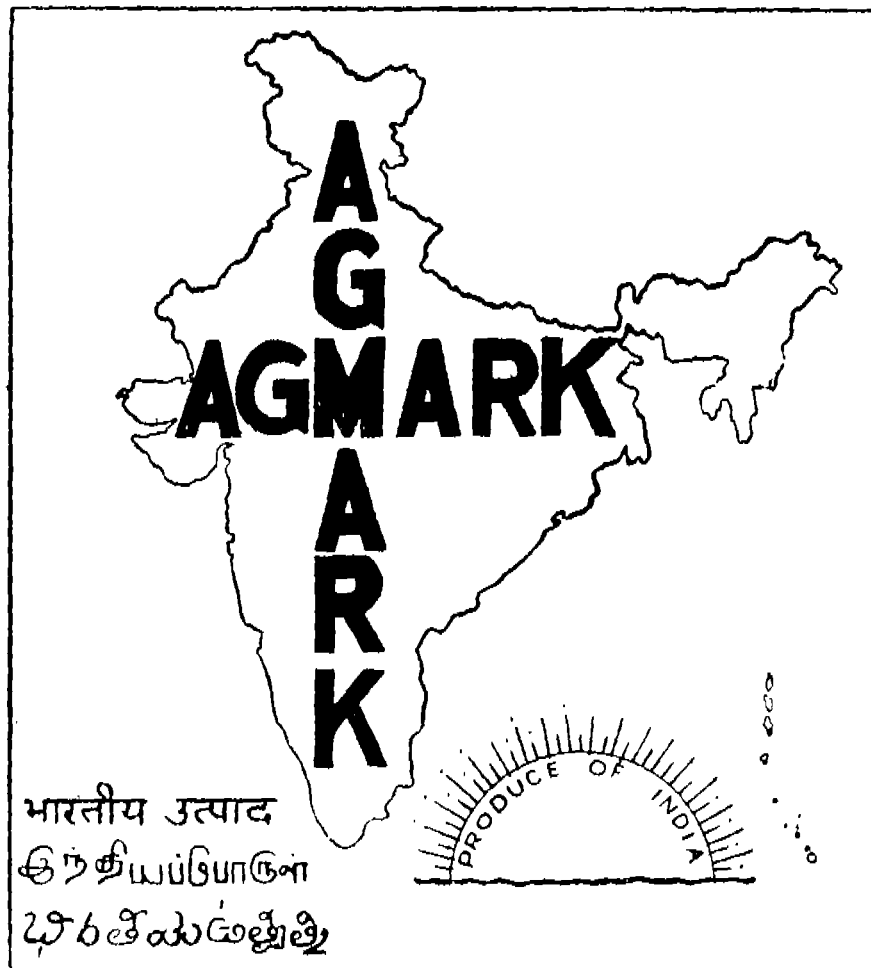
(2) प्राधिकृत पैकर, कृषि विपणन सलाहकार द्वारा इस निमित्त सत्यकः प्राधिकृत निरीक्षण अधिकारियों को परीक्षण के लिये यथा आवश्यक सुविधाएं देगा।

#### अनुसूची 1

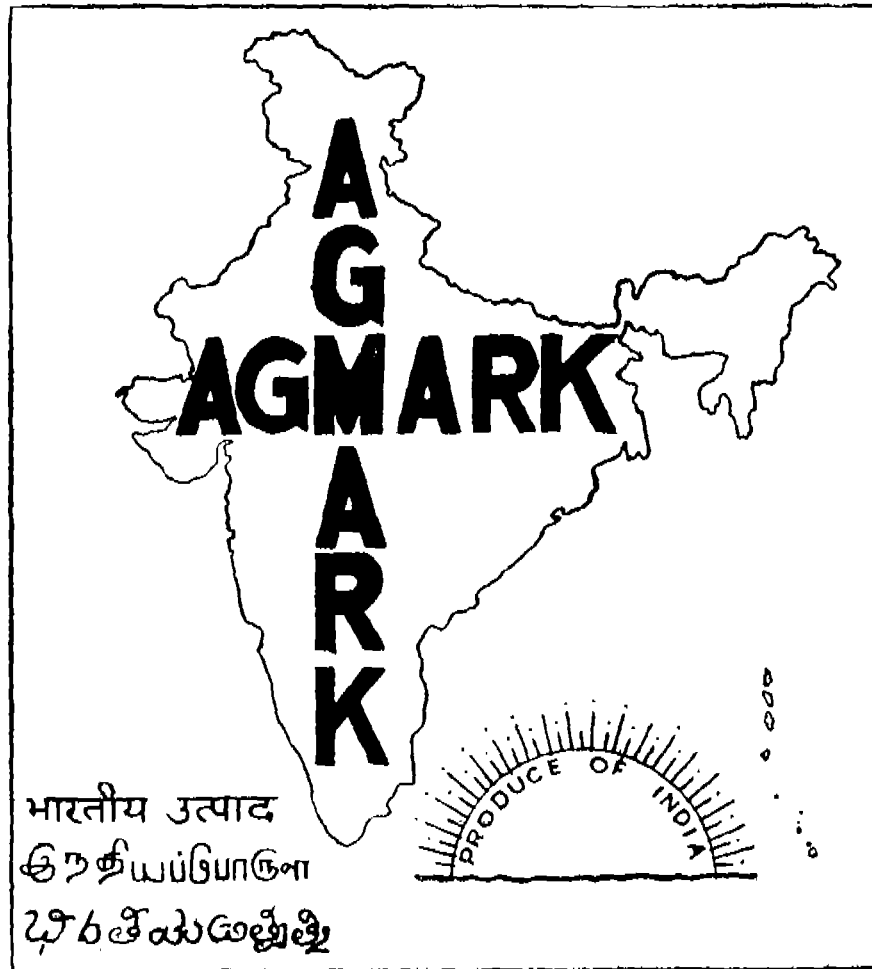
श्रेणी नाम चिह्न

I. श्रेणी नाम चिह्न के लिये डिजाइन

[नियम 5(I) देखिए]



भारत सरकार  
II. श्रेणी नाम चिह्न के लिये डिजाइन  
[नियम 5(II) देखिए]  
भारत का मान चिह्न आदि



अनुसूची 2  
(नियम 3 और 4)

कच्चे पपेन की क्वालिटी का श्रेणी अधिष्ठान और उसकी परिभाषा

श्रेणी नाम	भार के अनुसार नमी का प्रतिशत	कुल नाइट्रोजन प्रतिशत	वास्तविक प्रोटीन नाइट्रोजन प्रतिशत	भार के अनुसार, कुल राख का प्रतिशत	भार के अनुसार ग्राम में अविलेय राख का प्रतिशत	भार के अनुसार अलकोहल में विलेय सार का प्रतिशत	भार के अनुसार ईथर विलेय सार का प्रतिशत	प्रोटीनलथी किया कलाप (एन/10 एम ए ओ एच का मि०) प्रतिशत	सल्फरडाई थाक्साइड	सामान्य लक्षण
	अधिकतम	न्यूनतम	अधिकतम	अधिकतम	अधिकतम	अधिकतम	न्यूनतम	न्यूनतम	अधिकतम	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
मानक	9.0	9.0	कुल नाइट्रोजन का 50 प्रतिशत	16.0	0.7	20.0	8.0	6.0	3000 पीपीएम	उत्पाद फलेक्स या कूर्ण के रूप में, कच्चे पपीता के, (कैरीकापप/यासिम) जो कीट और फंफूरी से मुक्त होगा सम्पूर्ण दूध को घूप या यॉर्किंग शुष्कियों द्वारा सुखाकर तैयार किया जायेगा। उत्पाद का रंग इसके धूरे से धूरे तक रहेगा।

सामग्री पपेन की लाक्षणिक गन्ध से किसी भिन्न किसी गन्ध और दुर्गन्ध से मुक्त होगी। यह स्टार्च, शर्करा और ऐसे किसी अन्य संघटक से जो पपेन का प्राकृतिक संघटक नहीं है, मुक्त होगी। यह व्यावहारिक रूप से साह्य पदार्थों से जैसे कि बाजू, कंकर, पौधों के पत्तों और मूल से भी मुक्त होगी। सोडियम या पोटेशियम लवणों के रूप में सल्फरडाई थाक्साइड मिश्रित हो सकती है।

## अनुसूची 3

(नियम 3 और 4 देखें)

## ग्रामिणित पपेन की क्वालिटी का श्रेणी नाम और परिभाषा

1	2	3	4	5	6	7	8	9	10	11
'मानक'	6.0	2.0	कुल माइक्रोजन का 50 प्रतिशत	5.0	0.2	10.0	2.0	4.5	3000 पीपीएम	उत्पाद, कच्चे पपेन से, उसके प्रोटीनलयी क्रियाकलापों को कम करने के लिए उपयुक्त तनुकारियों से तनु करके पूर्ण रूप में तैयार किया जायेगा। उत्पाद का रंग क्रीमी सफेद से इसके भूरे तक हो सकेगा। सामग्री पपेन का लाक्षणिक गन्ध से भिन्न गन्ध और दुर्गन्ध से मुक्त होगी। वह स्टार्च, कर्करा और ऐसे किसी अन्य संघटक से जो पपेन का प्राकृतिक संघटक नहीं है, मुक्त होगी वह व्यावहारिक रूप से बाह्य पदार्थों जैसे कि बालू, कंकर, पीसे के पत्तों और बून्त से भी मुक्त होगी। उसमें सोडियम या पोटेशियम लवणों के रूप में सल्फर-डाई ब्राक्सा- इड मिश्रित हो सकता है।

[सं. फा०-13-8/77-ए०एम]

## (Department of Rural Development)

New Delhi, the 15th March, 1979

S.O. 1098.—Whereas the draft of the Papain Grading and Marking Rules, 1978, was published, as required by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), at pages 1623 to 1628 of the Gazette of India, Part II, Section 3, sub-section (ii), dated the 17th June, 1978, under the notification of the Government of India in the Ministry of Agriculture and Irrigation (Department of Rural Development), No. S.O. 1740, dated the 31st May, 1978, inviting objections and suggestions from all the persons likely to be affected thereby before the expiry of a period fortyfive days from the date of publication of the said notification in the Official Gazette;

And whereas the copies of the Gazette were made available to the public on the 17th June, 1978;

And whereas no objections or suggestions have been received from the public in respect of the said draft by the Central Government before the expiry of the aforesaid period;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby names the following rules, namely:—

## RULES

The Papain Grading and Marking Rules, 1979.

1. Short title, commencement and application:—(1) These rules may be called the Papain Grading and Marking Rules, 1979.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) They shall apply to papain prepared in India from papaya latex of unripe papaya fruits produced in India.

2. Definitions:—In these rules, unless the context otherwise requires,—

(a) "Agricultural Marketing Adviser" means the Agricultural Marketing Adviser to the Government of India;

(b) "Schedule" means a Schedule appended to these rules.

3. Grade designations:—The grade designations to indicate the quality of papain shall be as set out in column 2 of Schedules, II and III.

4. Definitions of quality:—The quality of papain indicated by the respective grade designations shall be as set out against each grade designation in columns 2 to 11 of Schedules II and III.

5. Grade designation marks:—The grade designation marks shall consist of either,—

(i) a design incorporating the number of the certificate of authorisation, the word "Agmark" and the grade approved by the Agricultural Marketing Adviser and resembling the one as set out in Schedule I;

- (ii) a label specifying the grade approved by the Agricultural Marketing Adviser and bearing a design consisting of an outline map of India with the word "AGMARK" and the figure of the rising sun with words "Produce of India" and resembling the one as set out in Schedule I.

6. Method of marking :—(1) The grade designation mark shall be securely affixed to or printed on each container in a manner approved by the Agricultural Marketing Adviser.

(2) In addition to the above, the following particulars shall also be clearly and indelibly marked on each container, namely :—

- date of packing in code or plain letter,
- batch number,
- net weight,
- place of packing,
- any other particulars as required by the Agricultural Marketing Adviser from time to time.

(3) An authorised packer may, after obtaining the prior approval of the Agricultural Marketing Adviser, mark his

private trade mark on a container in a manner approved by the said officer, provided that the private trade mark does not represent a quality or grade of papain different from that indicated by the grade designation mark affixed to the container in accordance with these rules.

7. Method of packing :—Papain shall be packed in polythene bottles or packages or galvanised tin in 150 grammes, 500 grammes, 1 Kg., 5 Kgs, 10 Kgs, and 50 Kgs. packages, which may invariably be packed either in corrugated boxed or wooden crates or in such other manner as may be approved by the Agricultural Marketing Adviser.

8. Special conditions of certificate of authorisation :—

In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937, the following shall be special conditions of every certificate of authorisation issued for the purpose of these rules, namely :—

(1) An authorised packer shall make such arrangements for testing papain as the Agricultural Marketing Adviser may specify by general or special order from time to time

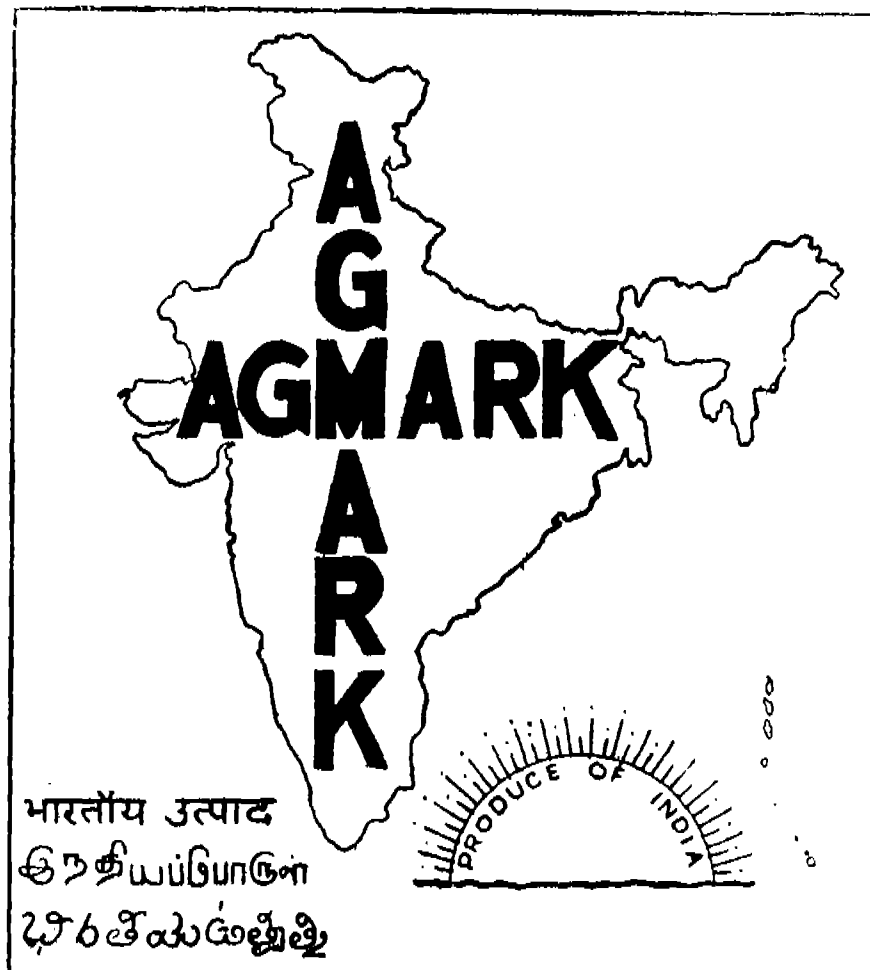
(2) An authorised packer shall provide such facilities as may be necessary for testing to the inspecting officers duly authorised by the Agricultural Marketing Adviser in this behalf.

#### SCHEDULE I

Grade designation mark.

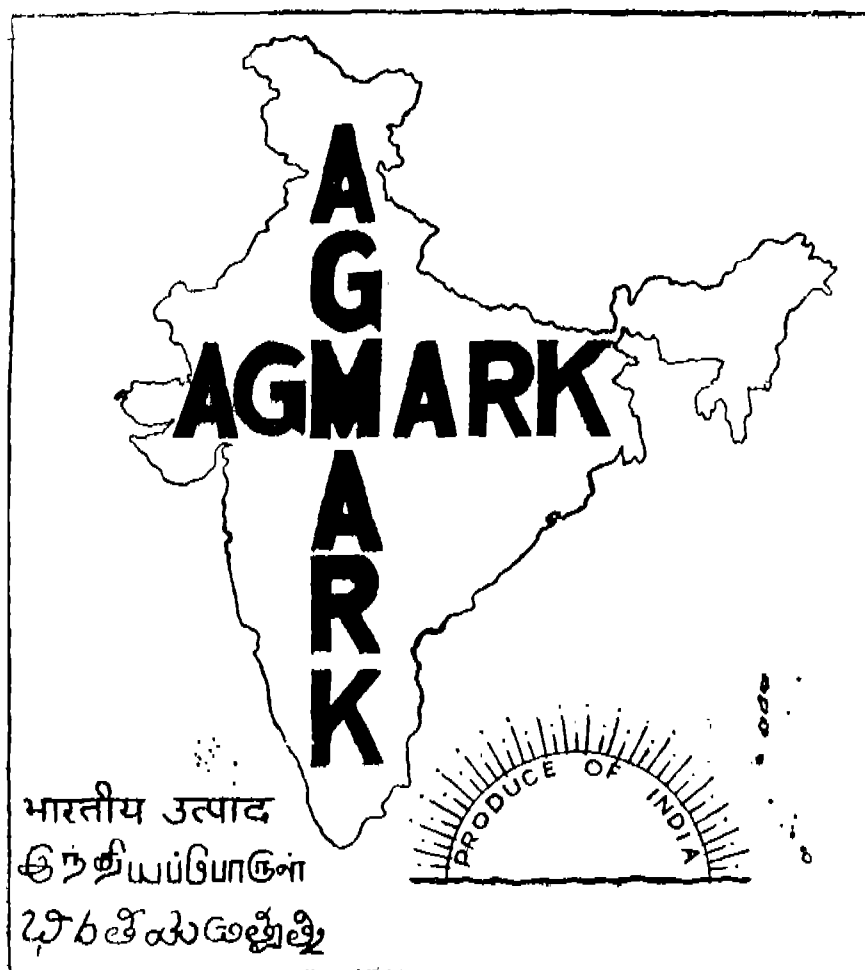
I. Design for the grade designation mark,

(See rule 3(i) )



## II. Design for the grade designation mark.

See rule 5(ii) )



## SCHEDULE II

(See rules 3 and 4)

## Grade designation and definition of quality of Crude Papain

Grade designation	Moisture per cent by weight Maximum	Total Nitrogen per cent Minimum	True protein nitrogen per cent Minimum	Total ash content per cent by weight Maximum	Acid insoluble ash per cent by weight	Alcohol soluble extract per cent by weight Maximum	Ether Soluble extract per cent by weight Minimum	Proteolytic activity (ml. of N/10 NaOH) Minimum	Sulphur dioxide Maximum	General Characteristics
1	2	3	4	5	6	7	8	9	10	11
Standard	9.0	9.0	50% of total Nitrogen	16.0	0.7	20.0	8.0	6.0	3000 ppm.	The product in flakes or in powder form shall be prepared by drying, either in sun or in mechanical driers, the whole latex of unripe papaya fruits ( <i>Carica papaya</i> Linn) free from insect or fungal attack.



The colour of the product shall vary from light brown to brown. The material shall be free from off odour and objectionable smell other than the characteristic odour of papain. The material shall be free from starch, sugar and any other ingredient which is not natural constituent of papain. The material shall also be practically free from extraneous matter such as sand, grit, leaves and stalks of the plant. The material may contain sulphur dioxide mixed either in the form of sodium or potassium salts.

### SCHEDULE III

(See rules 3 and 4)

#### Grade designation and definition of quality of compounded Papain

Grade designation	Moisture per cent by weight	Total Nitrogen per cent	True protein Nitrogen per cent	Total ash content per cent	Acid insoluble ash per cent by weight	Alcohol soluble extract per cent by weight	Ether soluble extract per cent by weight	Proteolytic activity (ml. of N/10 NaOH)	Sulphur dioxide Maximum	General Characteristics
1	2	3	4	5	6	7	8	9	10	11
Standard	6.0	2.0	50% of total nitrogen	5.0	0.2	10.0	2.0	4.5	3000 ppm	The product in powder form shall be prepared from crude papain by diluting the product with suitable diluents in order to bring down its proteolytic activity.

The colour of the product shall vary from creamy white to light brown. The material shall be free from off-odour and objectionable smell other than the characteristic odour of Papain. The material shall be practically free from extraneous matter such as sand, grit, leaves and stalks of the plant. The material may contain sulphur dioxide mixed either in the form of Sodium or Potassium salts.

का० आ० 1099—गेहूँ आटा श्रेणीकरण और चिन्हांकन नियम, 1961 में संशोधन करने के लिए नियमों का प्रारूप, कृषि उपज (श्रेणीकरण और चिन्हांकन) अधिनियम, 1937 (1937 का 1) की धारा 3 द्वारा यथा अपेक्षित भारत सरकार के कृषि और निचवाई मंत्रालय (ग्राम विकास विभाग) की अधिसूचना संख्या का० आ० 1149 तारीख 5 अप्रैल 1978 के अर्थात् भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 22 अप्रैल 1978 के पृष्ठ संख्या 1166 पर प्रकाशित किया गया था, जिसमें उस तारीख से जिस तारीख का उस राजपत्र की जिसमें उक्त अधिसूचना प्रकाशित हो, प्रतियाँ जनता को उपलब्ध करा दी जाएँ, 45 दिन की अवधि की समाप्ति तक उन सभी व्यक्तियों से आपत्ति और सुझाव माँगे गए थे जिनके उत्तरे प्रभावित होने की सम्भावना थी। उक्त राजपत्र की प्रतियाँ तारीख 22 अप्रैल, 1978 को जनता को उपलब्ध करा दी गई थी,

केन्द्रीय सरकार को जनता में कोई आपत्ति या सुझाव प्राप्त नहीं हुए हैं; अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, गेहूँ आटा श्रेणीकरण और चिन्हांकन नियम 1961 में संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्—

### नियम

1. इन नियमों का नाम गेहूँ आटा श्रेणीकरण और चिन्हांकन (संशोधन) नियम, 1979 है।

2. गेहूँ आटा श्रेणीकरण और चिन्हांकन नियम, 1961 की अनुसूची IV में,—

(क) स्तंभ (3) में, जहाँ कहीं “12.5” अंक आए हैं वहाँ “13.0” अंक रखे जाएंगे,

(ख) स्तंभ (4) में, जहाँ कहीं “2.5” अंक आए हैं वहाँ “2.0” अंक रखे जाएंगे,

(ग) स्तंभ (8) और उससे सम्बन्धित प्रविष्टियों का लोप किया जाएगा,

(घ) स्तंभ (9) को स्तंभ (8) के रूप में पुनः संख्यांकित किया जाएगा।  
[सं० का० 13-7/77/ए० एम]

S.O. 1099.—Whereas the draft of rules to amend the Wheat-atta Grading and Marking Rules, 1961, was published as required by section 3 of the Agricultural Produce (Grading and Marketing) Act, 1937, (1 of 1937), at page 1166 of the Gazette of India, Part II, Section 3, sub-section (ii), dated the 22nd April, 1978, with the notification of the Government of India in the Ministry of Agriculture and Irrigation (Department of Rural Development), No. S.O. 1149, dated the 5th April, 1978, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of the period of fortyfive days from the date on which the copies of the Official Gazette containing the said notification were made available to the public ;

And whereas, the copies of the said Gazette were made available to the public on the 22nd April, 1978 ;

And whereas, no objection or suggestion has been received from the public by the Central Government ;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby makes the following rules to amend the Wheat-atta Grading and Marking Rules, 1961, namely :—

### RULES

1. These rules may be called the Wheat-Atta Grading and Marking Amendment) Rules, 1979.

2. In Schedule IV to the Wheat-Atta Grading and Marking Rules, 1961,—

(a) in column (3), for the entry “12.5” wherever it occurs, the entry “13.0” shall be substituted ;

(b) in column (4), for the entry “2.5” wherever it occurs, the entry “2.0” shall be substituted ;

(c) column (8) and the entries relating thereto shall be omitted ;

(d) column (9) shall be re-numbered as column (8).

[No. F. 13-7/77-AM]

का० आ० 1100.—खाद्य अण्डा श्रेणीकरण और चिन्हांकन (संशोधन) नियम, 1978 का प्रारूप, कृषि उपज (श्रेणीकरण और चिन्हांकन) अधिनियम, 1937 (1937 का 1) की धारा 3 द्वारा यथा अपेक्षित भारत सरकार के कृषि और निचवाई मंत्रालय (ग्रामीण विकास विभाग) की अधिसूचना संख्या का० आ० 1739, तारीख 31 मई 1978 के अर्थात् भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii), तारीख 17 जून, 1978 के पृष्ठ 1623 पर प्रकाशित किया गया था, जिसमें उक्त अधिसूचना के राजपत्र में प्रकाशन की तारीख से पैतालस दिन की अवधि की समाप्ति के पूर्व उन सभी व्यक्तियों से आपत्ति और सुझाव माँगे गए थे, जिनके उत्तरे प्रभावित होने की संभावना थी ;

उक्त राजपत्र की प्रतियाँ 17 जून, 1978 को जनता को उपलब्ध करा दी गई थीं,

जनता से उक्त प्रारूप की वास्तव कोई आपत्ति या सुझाव प्राप्त नहीं हुए हैं—

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, खाद्य अण्डा श्रेणीकरण और चिन्हांकन नियम, 1968 में संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्—

### नियम

1. (1) इन नियमों का नाम खाद्य अण्डा श्रेणीकरण और चिन्हांकन (संशोधन) नियम, 1979 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. खाद्य अण्डा श्रेणीकरण और चिन्हांकन नियम 1968 के नियम 6 के उपनियम (1) के स्थान पर निम्नलिखित उप-नियम रखा जाएगा, अर्थात्—

“(1) श्रेणी नाम चिन्ह और श्रेणीकरण की तारीख, प्रत्येक खाद्य अण्डे के खोल पर, भारत सरकार के कृषि विपणन सहायकार द्वारा अनुमोदित रीति से रबड़ की स्टाम्प द्वारा अमिट स्थायी से सुपाठ्य रूप में चिन्हांकित की जाएगी”।

[सं० का० 10-1/78-ए० एम०]

S.O. 1100.—Whereas the draft of the Table Eggs Grading and Marking (Amendment) Rules, 1978, was published, as required by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), at page 1623 of the Gazette of India, Part II-Section 3-Sub-section (ii), dated the 17th June, 1978, with the notification of the Government of India in the Ministry of Agriculture and Irrigation (Department of Rural Development), No. S.O. 1739, dated the 31st May, 1978, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of fortyfive days from the date of publication of the said notification in the Official Gazette ;

And whereas, the copies of the said Gazette were made available to the public on the 17th June, 1978 ;

And whereas, no objections or suggestions have been received from the public on the said draft ;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government, hereby

makes the following rules to amend the Table Eggs Grading and Marking Rules, 1968, namely :—

### RULES

1. (1) These rules may be called the Table Eggs Grading and Marking (Amendment) Rules, 1979.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In the Table Eggs Grading and Marking Rules, 1968, in rule 6, for sub-rule (1), the following sub-rule shall be substituted, namely :—

“(1) The grade designation mark and the date of grading shall be marked legibly on each table eggs in indelible ink, on the shell by means of a rubber stamp in a manner approved by the Agricultural Marketing Adviser to the Government of India.”

[No. F. 10-1/78-AM]

का० शा० 1101—बेसन (चने का आटा) श्रेणीकरण और चिह्नान्कन नियम, 1975 में और संशोधन करने के लिए नियमों का एक प्रारूप कृषि उपज (श्रेणीकरण और चिह्नान्कन अधिनियम, 1937 (1937 का 1) की धारा 3 द्वारा यथा अपेक्षित भारत सरकार के कृषि और सिंचाई मंत्रालय (ग्राम विकास विभाग) की अधिसूचना संख्या का० शा० 782, तारीख 25 फरवरी, 1977 के अधीन भारत के राजपत्र भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 12 मार्च, 1977 के पृष्ठ 992 पर प्रकाशित किया गया था, जिसमें उक्त तारीख से जिसकी उक्त राजपत्र की, जिसमें उक्त अधिसूचना प्रकाशित की गई थी, प्रतियाँ जनता को उपलब्ध कराई गई थी, पेंतासिल दिन की अवधि की समाप्ति तक उन सभी व्यक्तियों से आपत्ति और सुझाव मांगे गए थे, जिनके उससे प्रभावित होने की सम्भावना थी;

उक्त राजपत्र 12 मार्च, 1977 को जनता को उपलब्ध करा दिया गया था,

केन्द्रीय सरकार को जनता से उक्त प्रारूप की बाबत कोई आपत्तियाँ या सुझाव प्राप्त नहीं हुए हैं।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, बेसन (चने का आटा) श्रेणीकरण और चिह्नान्कन नियम, 1975 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. इन नियमों का नाम बेसन (चने का आटा) श्रेणीकरण और चिह्नान्कन (संशोधन) नियम, 1979 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

बेसन (चने का आटा) श्रेणीकरण और चिह्नान्कन नियम, 1975 में,—

(क) चने नियम 6 में, उपनियम (2) के स्थान पर निम्नलिखित उपनियम रखा जाएगा, अर्थात् :—

“(2) प्रत्येक पात्र पर निम्नलिखित विनिर्दिष्टों भी स्पष्ट और स्थायी रूप से अंकित की जाएंगी, अर्थात् :—

(क) लॉट की क्रम संख्याएँ।

का० शा० 1102—अगर अगर (श्रेणीकरण और चिह्नान्कन) नियम, 1977 का एक प्रारूप कृषि उपज (श्रेणीकरण और चिह्नान्कन) अधिनियम, 1937 (1937 का 1) की धारा 3 की अपेक्षानुसार भारत सरकार के कृषि और सिंचाई मंत्रालय (ग्राम विकास विभाग) की अधिसूचना संख्या का० शा० 2983 तारीख 8 सितम्बर, 1977 के अन्तर्गत भारत के राजपत्र भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 24, सितम्बर, 1977 पृष्ठ 3439 से 3440 पर प्रकाशित किया गया था, जिसमें उक्त अधिसूचना के राजपत्र में प्रकाशन की तारीख से तीन मास और पन्द्रह दिन की अवधि के भीतर उन सभी व्यक्तियों से आपत्ति और सुझाव मांगे गये थे, जिनके उससे प्रभावित होने की सम्भावना थी।

और उक्त राजपत्र 24 सितम्बर, 1977 की जनता को उपलब्ध करा दिया था;

और केन्द्रीय सरकार को जनता से उक्त प्रारूप की बाबत कोई आपत्ति और सुझाव प्राप्त नहीं हुए हैं;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और लागू होना :—(1) इन नियमों का संक्षिप्त नाम अगर अगर (श्रेणीकरण और चिह्नान्कन) नियम, है।

(2) ये भारत में उत्पादित अगरअगर को लागू होंगे।

(ख) पैकिंग की तारीख;

(ग) पैकर का नाम;

(घ) पैकिंग का स्थान।”

(ख) नियम 7 में, उपनियम (1) में, शब्द ‘पॉलिथीन’ के पश्चात् और ‘क बने’ से पूर्व निम्नलिखित शब्द अन्तः स्थापित किए जाएंगे, अर्थात् :—

“या कृषि विपणन सलाहकार द्वारा यथा अनुमोदित किसी अन्य सामग्री”

[सं० का० 13-12/71-ए० एम०]

S.O. 1101.—Whereas certain draft rules to amend the Besan (Gram Flour) Grading and Marking Rules, 1975 were published, as required by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), at page 992 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 12th March, 1977, with the notification of the Government of India, Ministry of Agriculture and Irrigation, (Department of Rural Development), No. S.O. 782, dated the 25th February, 1977, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of forty-five days from the date on which copies of the Official Gazette containing the said notification were made available to the public;

And whereas the said Gazette was made available to the public on the 12th March 1977;

And whereas no objections or suggestions have been received from the public on the said draft;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby makes the following rules for the further to amend the Besan (Gram Flour) Grading and Marking Rules, 1975, namely :—

1. (1) These rules may be called the Besan (Gram Flour) Grading and Marking (Amendment) Rules, 1979.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Besan (Gram Flour) Grading and Marking Rules, 1975,—

(a) in rule 6, for sub-rule (2), the following sub-rule shall be substituted, namely :—

“(2) The following particulars shall also be clearly and indelibly marked on each container, namely :—

(a) the serial number of the lot;

(b) date of packing;

(c) name of the packer;

(d) place of packing.”

(b) in rule 7, in sub-rule (1), the following words shall be inserted after the word “polythene” and before the word “shall”, namely :—

“or such other material as may be approved by the Agricultural Marketing Adviser”.

[No. F. 13-12/71-AM]

2. परिभाषाएँ:—इन नियमों में,

(क) 'सलाहकार' से भारत सरकार का कृषि विपणन सलाहकार अभिप्रेत है;

(ख) 'प्रमाणपत्र' से प्राधिकार प्रमाणपत्र अभिप्रेत है ;

(ग) 'अनुसूची' से इन नियमों से संलग्न अनुसूची अभिप्रेत है ।

3. श्रेणी अभिधान:—अगर अगर की क्वालिटी उपदर्शित करने के लिये श्रेणी अभिधान वह होगा जो अनुसूची 1 के स्तम्भ 2 में दिया गया है ।

4. श्रेणी अभिधान चिह्न:—(1) अगर अगर के लिये श्रेणी अभिधान-चिह्न एक लेबल होगा जिसमें कृषि विपणन सलाहकार द्वारा अनुमोदित श्रेणी विनिर्दिष्ट होगी और जिस पर 'एम्माकै' शब्द के साथ भारत के मानचित्र की रूपरेखा और 'भारतीय उत्पाद' शब्दों के साथ उगते हुए सूर्य का चिह्न होगा तथा यह चिह्न अनुसूची 2 में दिये गये चिह्न सदृश होगा ।

(2) अगर अगर की दशा में श्रेणी अभिधान चिह्न एक ऐसा डिजाइन भी हो सकता है, जिसमें प्राधिकार प्रमाणपत्र की संख्या, और शब्द 'एम्माकै' और सलाहकार द्वारा अनुमोदित श्रेणी होंगे।

5. क्वालिटी की परिभाषा:—श्रेणी अभिधान द्वारा उपदर्शित क्वालिटी वह होगी जो अनुसूची 1 के स्तम्भ 2 से 11 तक में दी गई है ।

6. अंकन की पद्धति:—(1) श्रेणी अभिधान चिह्न प्रत्येक आधान पर, सलाहकार द्वारा अनुमोदित रीति से, मजबूती से चिपकाया या छापा जायेगा ।

(2) प्रत्येक आधान पर निम्नलिखित विनिर्दिष्ट भी स्पष्टतः और इस प्रकार अंकित की जायेगी कि उन्हें मिटाया न जा सके, अर्थात्:—

(क) पैक करने की तारीख, कोठ में या सादे अक्षरों में ;

(ख) साट संख्या;

(ग) पैकर का नाम और पता ;

(घ) पैक करने का स्थान,

(ङ) गुञ्ज भार ।

(3) प्राधिकृत पैकर, सलाहकार का पूर्व अनुमोदन अभिप्राप्त करने के पश्चात् सलाहकार द्वारा अनुमोदित रीति से आधान पर अपना प्राइवेट व्यापार-चिह्न अंकित कर सकेगा;

परन्तु यह तब जब प्राइवेट व्यापार चिह्न, इन नियमों के अनुसार आधान पर चिपकाये गये श्रेणी अभिधान-चिह्न द्वारा उपदर्शित अगर अगर की क्वालिटी या श्रेणी से भिन्न क्वालिटी या श्रेणी दर्शित न करता हो।

7. पैकिंग की पद्धति:—(1) अगर अगर नये, मजबूत और स्वच्छ प्लास्टिक आधान और रेशे (फाइबर) से बनी हुई परतदार थैलियों, टीनों पेपर-बाईन्डों में हो जिसके अन्दर सलाहकार द्वारा अनुमोदित प्रकार एवं प्रकार की पोषिधीन की घैली हो, पैक किया जायेगा ।

(2) प्रत्येक आधान को अच्छी तरह भरा जायेगा और सुरक्षित रूप से बन्द किया जायेगा जिससे कि अन्तर्वस्तुओं के संरक्षण को रोका जा सके, और सलाहकार द्वारा अनुमोदित रीति से मोहुर बन्द कर दिया जायेगा ।

8. प्राधिकार-पत्र की शर्तें:—इन नियमों के प्रयोजनार्थ जारी किये गये प्रत्येक प्रमाणपत्र की नीचे वर्णित शर्तें होगी, अर्थात्:—

(क) प्राधिकृत पैकर इसबगोल की भूमी के, कृषि विपणन सलाहकार द्वारा विनिर्दिष्ट रीति से परीक्षण के लिये व्यवस्थायें करेगा ।

(ख) प्राधिकृत पैकर, कृषि विपणन सलाहकार द्वारा इस निमित्त सम्यक्तः प्राधिकृत निरीक्षण अधिकारियों को वे सब सुविधायें प्रदान करेगा जो इन नियमों के अधीन अपने कर्तव्यों का निर्वहन करने के लिये उनके लिये आवश्यक है ;

(ग) श्रेणी अभिधान चिह्न केवल उन वस्तुओं को लागू होंगे जो प्राधिकार पत्र में वर्णित हैं और उसमें वर्णित अंकित परिसरों में हैं ;

(घ) प्राधिकार-पत्र के जालन के दौरान, उसका धारक, सभी युक्तियुक्त समयों पर, कृषि विपणन सलाहकार या केन्द्रीय सरकार द्वारा सम्यक्तः प्राधिकृत किसी भी व्यक्ति की उसमें माहित परिसरों में जाने देगा और उसे यह अभिनिर्दिष्ट सुविधाएं प्रदान करेगा जो कि नामांकित सही रूप में किया जा रहा है ;

(ङ) प्राधिकार-पत्र धारक, कृषि विपणन सलाहकार द्वारा सम्यक्तः प्राधिकृत किसी व्यक्ति को किसी भी श्रेणीकृत उपज का नमूना लेने या प्रत्येक श्रेणी अभिधान से चिह्नीकृत किसी पैकेज को खोलने और निरीक्षण करने के लिये अनुज्ञात करेगा तथा कृषि विपणन सलाहकार या केन्द्रीय सरकार द्वारा सम्यक्तः प्राधिकृत किसी व्यक्ति को अभिलेख की परीक्षा करने के लिये अनुज्ञात करेगा ;

(च) प्राधिकार-पत्र धारक कृषि विपणन सलाहकार द्वारा सम्यक्तः प्राधिकृत किसी व्यक्ति को किसी श्रेणीकृत उपज का नमूना लेने या किसी ऐसे पैकेज खोलने और उसका निरीक्षण करने के लिये अनुज्ञात करेगा जिस पर श्रेणी अभिधान चिह्न हो, परन्तु यह तब जब कि सब नमूनों के लिये संवाय वा गया हो।

(छ) कृषि विपणन सलाहकार या केन्द्रीय सरकार द्वारा इस निमित्त प्राधिकृत कोई व्यक्ति किसी श्रेणीकृत उपज से श्रेणी अभिधान चिह्न रह कर सकता है या हटा सकता है जहाँ वह उपज, उस व्यक्ति द्वारा उस व्यक्ति के लिये चिह्नित क्वालिटी की परिभाषा के अनुरूप न पाई जाये :

परन्तु जब कभी श्रेणी अभिधान चिह्न, प्राधिकृत पैकर के नहीं बरत-वितरकों की श्रेणीकृत उपज से हटाये जाते हैं तो प्राधिकृत पैकर, जब कृषि विपणन सलाहकार ऐसा निदेशक दे, श्रेणी अभिधान चिह्न के हटाये जाने के परिणामस्वरूप किसान द्वारा उठाये गये नुकसान को पूरा करेगा, नुकसान उस अतिरिक्त मूल्य के आधार पर प्राप्कलित किया जायेगा जो कि समुचित तौर पर श्रेणीकृत उपज की, अश्रेणीकृत उत्पाद की उसी मात्रा के बालू बाजार-मूल्य से अधिक मिलता ;

(ज) कृषि उपज (श्रेणीकरण और चिह्नीकरण) अधिनियम, 1937 (1937 का 1) के अधीन बनाये गये सभी नियमों और नमूना लेने, विश्लेषण, आबधिक निगरानियां देने भावि से सम्बन्धित सभी प्रावियों का जो कृषि विपणन सलाहकार द्वारा समय-समय पर जारी किये गये, पालन किया जायेगा ;

(झ) कोई भी प्रमाणपत्र कृषि विपणन सलाहकार या केन्द्रीय सरकार द्वारा इस निमित्त प्राधिकृत किसी व्यक्ति द्वारा रद्द, प्रतिसंहत, उपात्तरित या भिलम्बित किया जा सकता है ;

परन्तु प्राधिकार-पत्र को प्राधिकार पत्र में दिये पते पर चौदह दिन की सूचना लिखित रूप में दी जायेगी और उसे अवसर दिया जायेगा कि वह हेतुक दर्शित करे कि उसका प्राधिकार-पत्र रद्द प्रसिद्धित उपान्तरित या निलम्बित क्यों न कर दिया जाये ।

(ग) कोई भी, प्राधिकार-पत्र धारक कृषि विपणन सलाहकार की लिखित सहमति से, अपने कारबार के कागजों और नूचीपत्रों पर एम्बार्क डिजाइन की प्रतिकृति का प्रयोग कर सकता है ।

(घ) श्रेणीकृत उपज के विहित रूप में चिन्हांकन के लिये अपेक्षित स्टेंसिल, रबड़ स्टाम्प पंच या अन्य यन्त्र अथवा लेबल केवल कृषि विपणन सलाहकार या उसके द्वारा प्राधिकृत किसी व्यक्ति से केन्द्रीय सरकार द्वारा इस निमित्त नियत प्रभारों का संवाय करके अभिप्राप्त किये जायेंगे और प्राधिकार-पत्र धारक द्वारा सुरक्षित अभिरक्षा में रखे जायेंगे तथा जब वह प्राधिकार-पत्र विधिमान्य न रहे तब कृषि विपणन सलाहकार को या कृषि विपणन सलाहकार द्वारा प्राधिकृत व्यक्ति को लौटाये जायेंगे ।

(ङ) विहित रीति से श्रेणीकृत उपज के चिन्हांकन के लिये अपेक्षित श्रेणी अभिधान चिन्हों या किसी स्टेंसिल, रबड़ स्टाम्प, पंच या अन्य यन्त्रों का जारी किया जाना या उपयोग, कृषि विपणन सलाहकार या उसके द्वारा इस निमित्त प्राधिकृत किसी व्यक्ति द्वारा बिना किसी सूचना के, बेहतर विपणन के हित में उतनी अवधि के लिये रोके या वापस लिये जा सकते हैं, जो वह उचित समझे यदि उनका समाधान हों जाये या उसके पास यह विश्वास करने का कारण हो कि प्राधिकृत पैकर, श्रेणी अभिधान चिन्ह का सही रूप में प्रयोग कर नहीं रहा है या उसके सभी रूप में प्रयोग करने की संभावना नहीं है ।

(च) प्राधिकार-पत्र-धारक, श्रेणी अभिधान चिन्हों से चिन्हांकित इसबगोल की भूसी का बवालिटो नियंत्रण प्रवृत्त करने के उपायों, जिनमें नमूना का परीक्षण और उन वस्तुओं का निरीक्षण सम्मिलित है या ऐसी वस्तुओं के किसी वर्ग के वक्रिय में संवर्धन के लिये किये गये विश्लेषण के संबंध में उपगत व्ययों के संबंध में केन्द्रीय सरकार द्वारा विहित प्रभारों का संवाय करे ।”

(छ) प्राधिकृत पैकर को प्रसंस्करण, भंडारकरण और पैक करने के दौरान अगर अगर के किसी संवर्धन से बचत के लिये सभी मावधानियां बरतनी होंगी ।

(ज) सलाहकार द्वारा विहित रीति से प्रत्येक साट में से लिया गया अगर अगर का नमूना उस नियंत्रण प्रयोगशाला को भेजा जायेगा जिसके लिये समय-समय पर सलाहकार निवेश दे ।

(त) प्रत्येक आधान को केवल एक लौट के अगरअगर से भरा जायेगा ।

#### अनुसूची 1

(नियम 3 और 5 देखिए)

#### अगर अगर की बवालिटो का श्रेणी अभिधान और परिभाषा

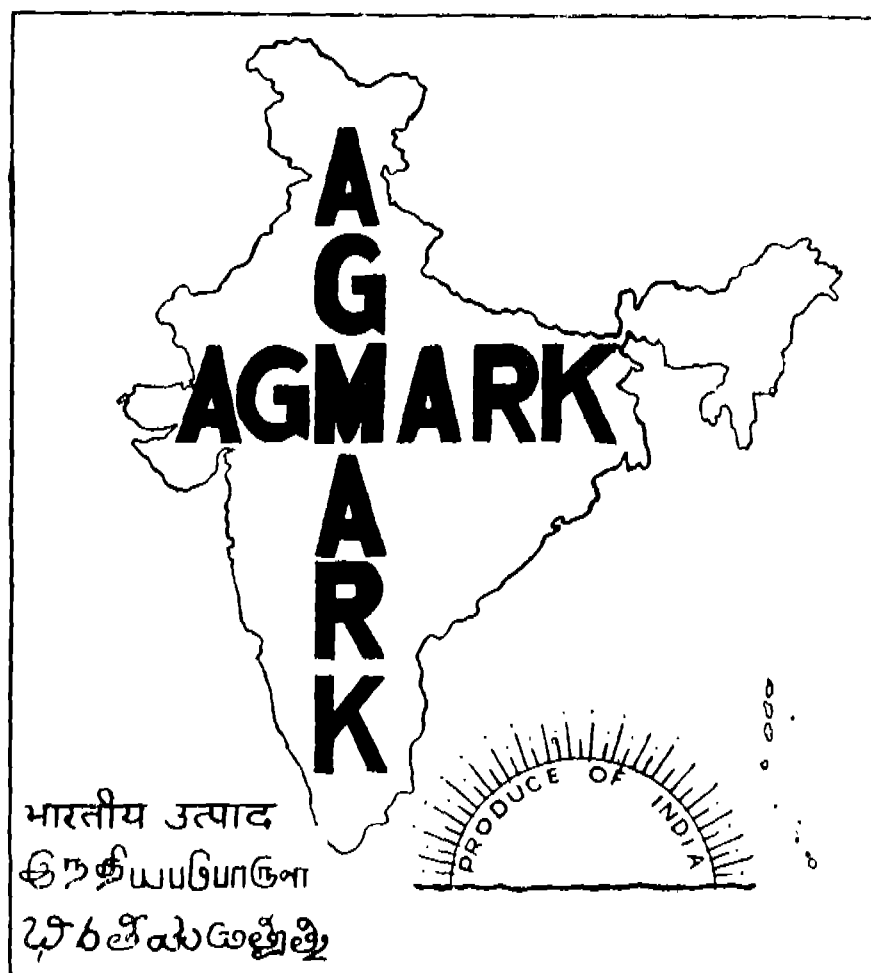
##### बवालिटो की विशिष्टियां

##### विशेष लक्षण

श्रेणी अभिधान	जल अवशोषण	पांच घंटे तक 105° से° पर सुखाने पर भार के अनु-सार सभी का प्रतिशत अधिकतम	कुल भस्म का भार के अनु-सार प्रतिशत अधिकतम	अस्ल में अविलेय भस्म का भार के अनुसार प्रतिशत अधिकतम	अविलेय पदार्थ के भार के अनुसार प्रतिशत अधिकतम	जिनेटिन	स्टार्च और बैक्स्ट्रीन	घासिनिक (ए०एस० के रूप में) के रूप में) मिलीग्राम/ किलोग्राम अधिकतम	सीसा (पीबी के रूप में) मिलीग्राम/ किलोग्राम अधिकतम	साधारण लक्षण
1	2	3	4	5	6	7	8	9	10	11
साधारण	अपने भार का भार गुना	20	6.5	1.0	1.0	अनुपस्थित	अनुपस्थित	3.0	10	अगर अगर रोडोफाईसी वर्ग की लम्बाई से निःसारित (सुखाया हुआ) हाइड्रोफिलिक, कोलाइडाल पालीगैलीकसाइड होगा जैसे ग्रेलीडिएला जाति और प्रैसीलैरिया जाति यह पतली पट्टियों के बंडलों या कटे हुए, पपड़ीदार, दानेदार या चूर्ण रूप में उपलब्ध होगा । यह रंग में सफेद से लेकर पीला तक होगा । यह या तो गंधहीन होगा या इसकी हल्की सी गंध होगी और श्लेष्मकीय स्वाद युक्त होगा । अगर अगर ठंडे जल में अविलेय होगा किन्तु उबलते जल में विलेय होगा ।

अनुसूची 2

(नियम 4(1) के लिए)



अगर अगर का धरेली अभिधान-चिह्न

शब्द 'एगमार्क' के साथ भारत का मानचित्र और 'भारतीय उत्पाद' शब्दों के साथ 'उत्पन्न हुआ' सूर्य।

[सं० फा० 13-4/75-ए/एम०]

**S.O. 1102.**—Whereas a draft of the Agar Agar (Grading and Marking) Rules, 1977, was published, as required by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), at pages 3439 to 3440 of the Gazette of India, Part II—Section 3—Sub-section (ii), dated the 24th September, 1977, with the notification of the Government of India in the Ministry of Agriculture and Irrigation (Department of Rural Development), S.O. 2983, dated the 8th September, 1977, inviting objections and suggestions from all persons likely to be affected thereby within a period of three months and fifteen days from the date of publication of the said notification in the Official Gazette.

And whereas the said Gazette was published in the Official Gazette on the 24th September, 1977;

And whereas no objections or suggestions have been received from the public on the said draft;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby makes the following rules, namely :—

1. Short title and application.—(1) These rules may be called the Agar Agar (Grading and Marking) Rules, 1979.

(2) They shall apply to Agar Agar produced in India.

2. Definitions.—In these rules,—

- (a) "Adviser" means the Agricultural Marketing Adviser to the Government of India;
- (b) "Certificate" means the Certificate of authorisation;
- (c) "Schedule" means a Schedule appended to these rules.

3. Grade designation.—The grade designation to indicate the quality of Agar Agar shall be as set out in column (1) of Schedule I.

4. Grade designation mark.—(1) The grade designation mark for Agar Agar shall consist of a label specifying the grade approved by the Adviser and bearing the design consisting of an outline map of India with the word 'Agmark' and figure of rising sun with the words 'Produce of India' and resembling the mark set out in Schedule II.

(2) The grade designation mark in case of Agar Agar may also consist of a design incorporating the number of Certificate, the word 'Agmark' and the grade approved by the Adviser.

5. Definition of quality.—The quality indicated by grade designation shall be as set out in columns (2) to (11) of Schedule I.

6. Method of marking.—(1) The grade designation mark shall be securely affixed to or printed on each container in a manner approved by the Adviser.

(2) The following particulars shall also be clearly and indelibly marked on each container, namely :—

- (a) date of packing in code or plain letters;
- (b) lot number ;
- (c) name and address of packer;
- (d) place of packing;
- (e) net weight.

(3) An authorised packer may after obtaining the prior approval of the Adviser, mark his private trade mark on a container, in a manner approved by the Adviser :

Provided that the private trade mark does not represent quality or grade of Agar Agar different from that indicated by grade designation mark affixed on the container in accordance with these rules.

7. Method of packing.—(1) Agar Agar shall be packed either in new, sound and clean plastic containers, or fibre-woven laminated bags, or tins, or paper cartons with polythene lining, or in such other type of containers as may be approved by the Adviser.

(2) Each container shall be well filled and securely closed so as to preclude any contamination of the contents and shall be sealed in a manner approved by the Adviser.

8. Conditions of certificate.—The following conditions shall be the conditions of every certificate issued for the purpose of these rules, namely :—

- (a) An authorised packer shall make such arrangements for testing Agar Agar in a manner the Agricultural Marketing Adviser may specify by general or special order.
- (b) An Authorised packer shall provide such facilities to the Inspecting Officers duly authorised by the Agricultural Marketing Adviser in this behalf as may be necessary for them to discharge their duties under these rules.
- (c) Grade designation marks shall only be applied to the articles mentioned in the certificate and at the premises mentioned therein.
- (d) During the operation of the certificate, the holder thereof shall, at all reasonable times, give access to the premises named therein to any person duly authorised by the Agricultural Marketing Adviser or by the Central Government and shall afford him facilities for ascertaining that marking is being correctly performed.
- (e) The holder of the certificate shall permit any person duly authorised by the Agricultural Marketing Adviser to take samples of any graded produce or to open and inspect any package marked with each grade designation mark and shall permit any person duly authorised by the Agricultural Marketing Adviser or by the Central Government to examine the record.
- (f) The holder of the certificate shall permit any duly authorised person by the Agricultural Marketing Adviser to take samples of any graded produce or to open and inspect any package bearing a grade designation mark, provided that all samples shall be paid for.
- (g) Any person authorised in this behalf by the Agricultural Marketing Adviser or by the Central Government may cancel or remove a grade designation mark from any graded produce where such produce is found by such person as not to comply

with the definition of quality prescribed for that article :

Provided that whenever grade designation marks are removed from graded produce belonging to distributors, and not be authorised packers, the latter shall, when so directed by the Agricultural Marketing Adviser, make good to the former any loss sustained as a result of the removal of the grade designation mark, the loss being estimated on the basis of the additional value that the properly graded produce would have obtained in the market over and above the current market value of the corresponding quantity of the ungraded product.

(h) All the rules made under the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), and all instructions regarding methods of sampling, analysis, submission of periodical returns etc. which may be issued from time to time by the Agricultural Marketing Adviser, shall be observed.

(i) Any certificate may be cancelled, revoked, modified or suspended by the Agricultural Marketing Adviser or by any other person authorised by the Central Government in that behalf :

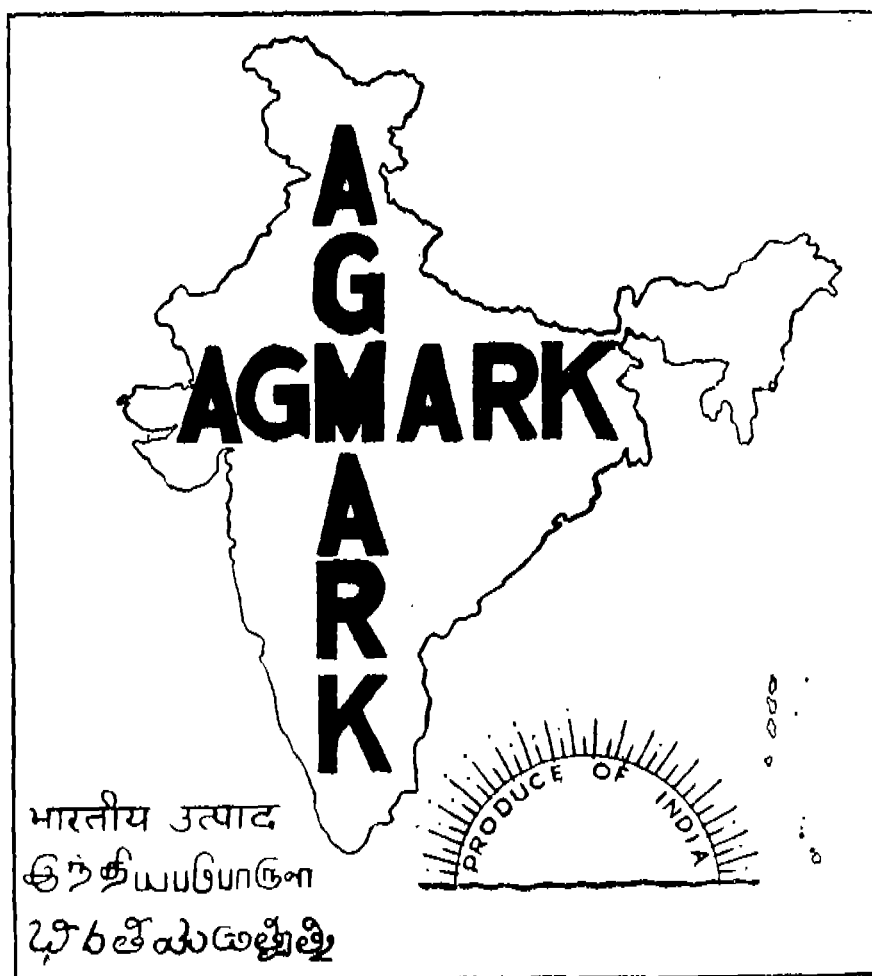
Provided that fourteen days' notice in writing shall be given to the certificate holder at the address stated on the certificate and an opportunity given to him for showing cause as to why his certificate should not be cancelled, revoked, modified or suspended.

- (j) Any holder of a certificate may, with the written consent of the Agricultural Marketing Adviser, use a replica of the 'Agmark' design on his business papers and catalogues.
- (k) Any stencil, rubber stamp, punch or other instrument or label required for marking graded produce in the prescribed manner shall be obtained only from the Agricultural Marketing Adviser, or a person authorised by him, on payment of such charges as the Central Government, may fix in this behalf and shall be kept in safe custody by the holder of the certificate and shall be returned to the Agricultural Marketing Adviser or to such authorised person as may be authorised by the Agricultural Marketing Adviser when the certificate ceases to be valid.
- (l) The issue or use of grade designation mark labels or any stencil, rubber stamp, punch or other instrument required for marking graded produce in the prescribed manner may be withheld or withdrawn by the Adviser or by a person authorised by him in this behalf without any notice, for such period as he may consider expedient in the interest of better marketing, if he is satisfied or has reasons to believe that the authorised packer is not applying, is not likely to apply, grade designation marks correctly.
- (m) The holder of a certificate shall pay such charges as may be prescribed by the Central Government towards the expenses incurred in connection with measures for enforcing the quality control of Agar Agar marked with grade designation mark including testing of samples and inspection of such article or with any publicity work carried out to promote the sale of any class of such article.
- (n) An authorised packer shall take all precautions to avoid any contamination of Agar Agar during processing, storage and packing.
- (o) A sample of Agar Agar drawn in a manner prescribed by the Adviser from each lot shall be forwarded to such control laboratory as may be directed by the Adviser.
- (p) Each container shall be filled with Agar Agar from the same lot only.

**SCHEDULE I**  
(See rules 3 and 5)  
Grade designation and definition of quality of Agar Agar

Grade Designation		DEFINITION OF QUALITY								General Characteristics
		Specific Characteristics								
	Water absorption	Moisture per cent by weight on drying at 105°C for five hours maximum	Total Ash per cent by weight maximum	Acid insoluble ash per cent by weight maximum	Insoluble matter per cent by weight maximum	Gelatin	Starch and dextrines	Arsenic (as As) maximum mg/Kg.	Lead (as Pb) maximum mg/kg.	
1	2	3	4	5	6	7	8	9	10	11
General	4 times of its weight	20	6.5	1.0	1.0	absent	absent	3.0	10.0	Agar Agar shall be dried hydropylic colloidal polygalatoside extracted from red algae of the class Rhodophyceae such as Gelidiella species and Gracilaria species. It shall be commercially available in bundles consisting of thin membranous strips or in cut, flaked, granulated or powder form. It shall be white to pale yellow in colour. It shall be either odourless or having a slight characteristic odour, and amucilagenous taste. Agar Agar shall be insoluble in cold water but soluble in boiling water.

**SCHEDULE II**  
[See rule 4(1)]  
Grade designation mark of Agar Agar





**शुद्धिपत्र**

का० आ० 1103.—भारत के राजपत्र, भाग 2, खण्ड 3 उपखण्ड (ii) में प्रकाशित अधिसूचना सं० 13-11/77-ए०एम०, तारीख 21-10-78, के "नियमों का प्राक्क" शीर्षक के अन्तर्गत पैरा 2 में (ख) खण्ड (घ) में, अक्षर और अंक "1 ग्राम, 2 ग्राम, 1 पौंड, 5 पौंड या 36 पौंड" के स्थान पर निम्नलिखित पढ़ें :—

खण्ड (घ) में, अक्षर और अंक "1 ग्राम, 2 ग्राम, 4 ग्राम, 1 पाउंड, 5 पाउंड या 36 पाउंड".

[सं० 13-11/77-ए०एम०]

प्रकाश चन्द, भवर सचिव

**नौवहन और परिवहन मंत्रालय**

(परिवहन पक्ष)

नई दिल्ली, 15 मार्च, 1979

का० आ० 1104.—कैप्टेन एन० एन० सिकन्दर के, जिन्हें भारत सरकार के नौवहन और परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना सं० का० आ० 118(ई), तारीख 27 जनवरी, 1978 द्वारा कलकत्ता डॉक श्रमिक बोर्ड के सदस्य के रूप में नियुक्त किया गया था, बारे में यह समझा जाता है कि उन्होंने डॉक कर्मकार (नियोजन का विनियमन) नियम, 1962 के नियम 4 के उपनियम (5) के खण्ड (v) के अन्तर्गत अपना पद रिक्त कर दिया है;

और उक्त डॉक श्रमिक बोर्ड में एक रिक्ति हो गई है;

अतः अब, केन्द्रीय सरकार, उक्त नियमों के नियम 4 के उपबंधों के अनुसरण में, उक्त रिक्ति अधिसूचित करती है।

[सं० एल डी सी/4/79-एल-III]

बी० संकरालिंगम्, भवर सचिव

**MINISTRY OF SHIPPING AND TRANSPORT**

(Transport Wing)

New Delhi, the 15th March, 1979

S.O. 1104.—Whereas Captain N. N. Sikand, who was appointed as a member of the Calcutta Dock Labour Board in the notification of the Government of India, Ministry of Shipping and Transport (Transport Wing) No. S.O. 148(E), dated the 27th January, 1978, is deemed to have vacated his office under cause (v) of sub-rule (5) of rule 4 of the Dock Workers (Regulation of Employment) Rules, 1962;

And whereas a vacancy has occurred in the said Dock Labour Board;

Now, therefore, in pursuance of the provision of rule 4 of the said rules, the Central Government hereby notifies the said vacancy.

[F. No. LDC/4/79-L.III]

V. SANKARALINGAM, Under Secy.

**दिल्ली विकास प्राधिकरण**

सार्वजनिक सूचना

नई दिल्ली, 30 मार्च, 1979

का० आ० 1105.—केन्द्रीय सरकार दिल्ली मुख्य योजना/जोन डी-5 (डी० आई० जेड० गोल मार्केट क्षेत्र के जोनल डवेलपमेंट प्लान में निम्नलिखित संशोधन करने का विचार कर रही है, एतद्वारा जिसे सार्वजनिक सूचना हेतु प्रकाशित किया जाता हो इस संशोधन के संबंध में जिस किसी व्यक्ति को कोई आपाति या सुझाव देना हो तो वे अपने आपाति या सुझाव इस सूचना के 30 दिन के भीतर सचिव, दिल्ली विकास प्राधिकरण, 5वीं मंजिल, विकास मीनार, इन्द्रप्रस्थ इस्टेट, नई दिल्ली के पास लिखित रूप 1310 GI/78—6

में भेज दें। तो व्यक्ति अपनी आपाति या सुझाव दे, वे अपना नाम एवं पूरा पता लिखें।

**संशोधन**

"लगभग 0.44 है० (1.11 एकड़) का क्षेत्र जिसे मुख्य योजना जोन डी-5 के जोनल प्लान में आवासीय भूमि के लिये निर्दिष्ट किया गया था तथा जो उत्तर में 45.72 मी० (150') चौड़ी पंचकुईया रोड पश्चिम में प्रस्तावित 45.72 मी० (150') चौड़े रामा-कृष्णा आश्रम मार्ग तथा दक्षिण एवं पूर्व में आवासीय भूमि द्वारा घिरा हुआ है, उसे अब "व्यवसायिक" उपयोग में परिवर्तित किये जाने का प्रस्ताव है।

2. शनिवार को छोड़ कर और सभी कार्यशील दिनों में दि० वि० प्रा० के कार्यालय 10वीं मंजिल, विकास मीनार, इन्द्रप्रस्थ इस्टेट, नई दिल्ली में उक्त अवधि के दौरान प्रस्तावित संशोधन का मानचित्र निरीक्षण हेतु उपलब्ध होगा।

[सं० एफ० 20 (5)/78-एम० पी०]

**DELHI DEVELOPMENT AUTHORITY****PUBLIC NOTICE**

New Delhi, the 30th March, 1979

S.O. 1105.—The following modification which the Central Government proposes to make to the Master Plan/Zonal Development Plan for Zone D-5 (DIZ—Gole Market Area) is hereby published for public information. Any person having any objection/suggestion with respect to the proposed modification may send his objection or suggestion in writing to the Secretary, Delhi Development Authority, 5th Floor, Vikas Minar, Indraprastha Estate, New Delhi within a period of 30 days from the date of this notice. The person making the objection or suggestion should also given his name and full address :—

**MODIFICATION**

"The land use of an area measuring about 0.44 Hect. (1.11 Acres) earmarked for 'Residential' land use in the Master Plan/Zonal Plan for D-5 and surrounded by 45.72 Mtrs. (150 ft.) Panchkuin Road on the North, 45.72 Mtrs. (150 ft.) proposed Rama Krishna Ashram on the West, residential land use on the South and East, is proposed to be changed to 'Commercial'."

2. The plan indicating the proposed modification will be available for inspection at the office of the Authority, 10th Floor, Vikas Minar, Indraprastha Estate, New Delhi on all working days except Saturdays, within the period referred to above.

[No. F. 20(5)/78-M.P.]

का० आ० 1106.—केन्द्रीय सरकार दिल्ली मुख्य योजना/जोन डी-20 के जोनल डवेलपमेंट प्लान में निम्नलिखित संशोधन करने का विचार कर रही है, एतद्वारा जिसे सार्वजनिक सूचना हेतु प्रकाशित किया जाता है। इस संशोधन के संबंध में जिस किसी व्यक्ति को कोई आपाति या सुझाव देना हो तो वे अपने आपाति या सुझाव इस सूचना के 30 दिन के भीतर सचिव, दिल्ली विकास प्राधिकरण, 5वीं मंजिल, इन्द्र-प्रस्थ इस्टेट नई दिल्ली के पास लिखित रूप में भेज दें। जो व्यक्ति अपनी आपाति या सुझाव दें, वे अपना नाम एवं पूरा पता लिखें।

"मनोरंजन उपयोग हेतु निर्दिष्ट 0.63 है० (1.578 एकड़) का क्षेत्र जो 2.5 है० (6.2 एकड़) का भाग है तथा यह जोन डी-20 (डिफेंस कॉलोनी) में पड़ता है, इसे अब सार्वजनिक तथा अर्ध-सार्वजनिक उपयोग (संस्थापीय) में परिवर्तित किये जाने का प्रस्ताव है। यह भूखंड दक्षिण में 12.2 मीटर (40') चौड़ी सड़क पूर्व की ओर वर्तमान नाना तथा उत्तर एवं पश्चिम की ओर मनोरंजन के क्षेत्र से घिरा हुआ है।

2. शनिवार को छोड़कर और सभी कार्यशील दिनों में अपर सचिव (मुख्य योजना) दि० वि० प्रा० के कार्यालय 10वीं मंजिल, विकास मीनार

इन्द्रप्रस्था इस्टेट, नई दिल्ली में उक्त अधि के दौरान प्रस्तावित संशोधन का मान चित्र निरीक्षण हेतु उपलब्ध होगा।

[सं. एफ 3 (91)/67-एम० पी०]

गिरीश चन्द्र श्रीवास्तव, सचिव

**S.O. 1106.**—The following modification, which the Central Government proposes to make to the Master Plan for Delhi/Zonal Development Plan of D-20 is hereby published for public information. Any person having any objection or suggestion with respect to the proposed modification may send his objection or suggestion in writing to the Secretary, Delhi Development Authority, 5th Floor, Vikas Minar, Indraprastha Estate, New Delhi, within a period of 30 days from the date of this notice. The person making the objection or suggestion should also give his name and address :

#### MODIFICATION PROPOSED

"The land use of a plot measuring 0.63 Hect. (1.578 acres) earmarked as 'Recreational Use, forming part of 2.5 hect. (6.2 Acres) pocket, falling in Zone D-20 (Defence Colony) is proposed to be changed to 'public and Semi Public use' (Institutional). The plot is bounded by 12.2 mtrs. (40 ft.) road in the South, existing Nalla towards the East and Recreational area towards the North and West."

2. The plan indicating the proposed modification will be available for inspection with the Additional Secretary (Master Plan), at the office of the Authority, 10th Floor, Vikas Minar, Indraprastha Estate, New Delhi on all working days except Saturdays, within the period referred to above.

[No. F. 3(91)/67-MP]  
G. C. SRIVASTAVA, Secy.

#### सूचना और प्रसारण मंत्रालय

नई दिल्ली, 3 मार्च, 1979

**का० आ० 1107.**—चलचित्र (सेन्सर) नियमावली, 1958 के नियम 10 के साथ पठित चलचित्र अधिनियम 1952 (1952 का 37वाँ अधिनियम) की धारा 5 की उपधारा (2) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार, केन्द्रीय सचिवालय सेवा के ग्रेड-I के अधिकारी श्री के० पी० के० नायर की स्थानापन्न अथवा प्रादेशिक अधिकारी, केन्द्रीय फिल्म सेन्सर बोर्ड, मद्रास के रूप में तब तक नियुक्ति की अधि 19-11-78 से 31-12-78 तक बढ़ाती है।

[फाइल संख्या 2/28/78-(एफसी)]  
के० एस० वेंकटरामन, ईएल अधिकारी

#### MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 3rd March, 1979

**S.O. 1107.**—In exercise of the powers conferred by Sub-Section (2) of Section 5 of the Cinematograph Act, 1952 (37 of 1952), read with rule 10 of the Cinematograph (Censorship) Rules, 1958, the Central Government is pleased to extend the ad hoc appointment of Shri K.P. K. Navar, a Grade-I Officer of the Central Secretariat Service, as officiating Additional Regional Officer Central Board of Film Censors, Madras from 19-11-1978 to 31-12-1978.

[F. No. 2/28/78-FC]  
K. S. VENKATARAMAN, Desk Officer

#### पूर्ति और पुनर्वास मंत्रालय

(पुनर्वास विभाग)

आवेश

नई दिल्ली, 3 मार्च, 1979

**का० आ० 1108.**—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 34 की उपधारा (2) द्वारा

मुख्य बंधोबस्त आयुक्त को प्रदत्त शक्तियों का प्रयोग करते हुए, मुख्य बंधोबस्त आयुक्त इसके द्वारा हरियाणा सरकार के पुनर्वास विभाग के मुख्य सचिव को, जो बंधोबस्त आयुक्त की शक्तियों का प्रयोग कर रहे हैं, हरियाणा राज्य में स्थित सामाजिक तथा शहरी निष्क्रान्त भूमियों तथा संपत्तियों के संबंध में उक्त अधिनियम की धारा 23, 24, 28 और 35 द्वारा मुख्य बंधोबस्त आयुक्त को प्रदत्त शक्तियों सौंपते हैं। इस आदेश से दिनांक 23-7-75 के आदेश संख्या 1(14)/वि० से०/75-एम०एम०-II का अधि-क्रमण किया जाता है।

[संख्या 1(14)/वि० से०/75-एम०एम०-II]

कौशल कुमार, मुख्य बंधोबस्त आयुक्त

#### MINISTRY OF HEALTH AND REHABILITATION

(Department of Rehabilitation)

New Delhi, the 3rd March, 1979

#### ORDER

**S.O. 1108.**—In exercise of the powers conferred on the Chief Settlement Commissioner by sub-section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Chief Settlement Commissioner hereby delegates to the Joint Secretary in the Rehabilitation Department of the Government of Haryana, exercising the powers of Settlement Commissioner, the powers conferred on the Chief Settlement Commissioner under section 23, 24, 28 and 35 of the said Act in so far as such powers may be exercised in respect of rural and urban evicand lands and properties situated in Haryana State. This order supercedes order No. 1(14)/Spl. Cell/75/SS. II dated 23-7-1975.

[No. 1(14)/Spl.-Cell/75-SS. II]

KAUSHLAL KUMAR, Chief Settlement Commissioner

#### संचार मंत्रालय

नई दिल्ली, 16 फरवरी, 1979

**का० आ० 1109.**—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे दी गई सारणी के स्तम्भ (1) में वर्णित अधिकारी को, जो सरकार के राजपत्रित अधिकारी की पंक्ति समतुल्य अधिकारी है, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है। उक्त सारणी के स्तम्भ (2) में विनिश्चित सरकारी स्थानों की बाबत अपनी अधिकारिता की स्थानीय सीमाओं के भीतर, उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और अधिरोपित कर्तव्यों का पालन करेगा।

#### सारणी

अधिकारी का पदाभिधान	सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
1	2
बन्धक (कामिक और प्रशासन), टेली-फोन उपकरण खण्ड, इण्डियन टेली-फोन इण्डस्ट्रीज लिमिटेड, नैनी, हलाहवा-10	इण्डियन टेलीफोन इण्डस्ट्रीज लिमिटेड, नैनी, हलाहवा से सम्बन्धित परिसरों में निवासी कालोनी राजस्व क्षेत्र: 172 एकड़ (क) महुबारी तालबामन ग्राम में खसरा सं० 801 से 805 तक और 807 से 824 तक; (ख) बरिका ग्राम में, खसरा सं० 1 से 14 तक, 63 से 76 तक, 78, 206 से 208 तक और 211 से 213 तक;

1

2

भरम मंत्रालय

आदेश

नई दिल्ली, 2 मार्च, 1979

(ग) पुरा पाण्डे ग्राम में, खसरा सं० 7, 10 से 23 तक, 49, 57 से 120 तक और 165 से 170 तक; और

(घ) संडवा कलां ग्राम में, खसरा सं० 142, 145, 271 से 280 तक, 285 से 287 तक, 281 से 284 तक, 288 से 291 तक, 363 से 366 तक, 372, 376, 379 से 384 तक, 378, 385 से 435 तक, 437 से 474 तक, 377 और 389 तक।

[संख्या यू० 50028/1/78-कैक्ट]

जगमोहन मिश्र, उप सचिव

## MINISTRY OF COMMUNICATIONS

New Delhi, the 16th February, 1979

S.O. 1109.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being an officer equivalent to the rank of gazetted officer of Government, to be estate officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed, on estate officers by or under the said Act within the local limits of his jurisdiction in respect of public premises specified in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction
Manager (Personnel and Administration), Telephone Instruments Division, Indian Telephone Industries Ltd., Naini, Allahabad-10.	Residential colony in the premises belonging to Indian Telephone Industries Ltd., Naini, Allahabad Revenue Area 172 acres (a) Khasra Nos. 801 to 805 and 807 to 824 in Mahuwari Ta Lavayan village (b) Khasra Nos. 1 to 14, 63 to 76, 78, 206 to 208 and 211 to 213 in Barika village (c) Khasra Nos. 7, 10 to 23, 49, 57, to 120 and 165 to 170 in Pura Pandey village and (d) Khasra Nos. 142, 145, 271 to 280, 285 to 287, 281 to 284, 288 to 291, 363 to 366, 372, 376, 379 to 384, 378, 385 to 435, 437 to 474, 377 and 389 in Sandwa Kalan village.

[No. U. 50028/1/78-Fac.]

JAGMOHAN MISRA, Dy. Secy.

का० आ० 1110.—केन्द्रीय सरकार की राय है कि हमसे उपाबद्ध अनुसूची में जिनविषय के बारे में इलाहाबाद बैंक, राउरकेला शाखा के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री एम०वी० गंगाराजु होंगे, जिनका मुख्यालय भुवनेश्वर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या इलाहाबाद बैंक की राउरकेला शाखा के प्रबन्धतंत्र की, श्री निरोद चन्द्र राय को अपरासी-एवं-चोकीदार की सेवा में पुष्टि न करने की कार्यवाही न्यायोचित है? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हकदार है?”

[सं० एन-12012/88/78-डी० 2 ए]

## MINISTRY OF LABOUR

ORDER

New Delhi, the 2nd March, 1979

S.O. 1110.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Allahabad Bank, Rourkela Branch and their workman in respect of the matter specified in the Schedule hereto annexed;

And Whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, Therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. V. Gangaraju shall be the Presiding Officer, with headquarters at Bhubaneswar and refers the said dispute for adjudication to the said Tribunal.

## SCHEDULE

“Whether the action of the management of the Rourkela Branch of the Allahabad Bank in not confirming in service Shri Nirod Chandra Roy as Peon-Watchman is justified? If not, to what relief is the workman concerned entitled?”

[No. L-12012/88/78-D. II.A]

New Delhi, the 16th March, 1979

S.O. 1111.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of State Bank of India, Ambala Cantt and their workman over denial of officiating power of Shri R. N. Dass, Clerk and alleged arbitrary discharge of Shri R. N. Dass, Clerk.

**BEFORE SHRI MAHESH CHANDRA PRESIDING  
OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL  
CUM-LABOUR COURT, NEW DELHI**

**I.D. No. 120 of 1977**

In re :

The Secretary, State Bank of India Staff Associations  
Ambala Cantt.

Versus

The Regional Manager, State Bank of India, Region V  
Parliament Street, New Delhi

**PRESENT :**

Shri T.C. Gupta with Shri R. N. Dass.  
Shri S. Mishra, for the Bank.

**AWARD**

By this order I propose to dispose of two references No. 119 and 120/1977 pending between these parties in as much as the parties have compromised the two vide settlement Ex. S/1.

2. The Central Government as appropriate Government vide its order No. 12012/95/75/DII/A dated the 25th November, 1975 made a reference to Industrial Tribunal, Chandigarh in the following terms :

‘Whether the action of the State Bank of India, Ambala Cantt. in withdrawing relief officiating powers of Shri R. N. Dass, clerk, w.e.f. the 4th March, 1975 is legal and justified? If not, to what relief is the said workman entitled?’

3. Thereafter on 31st January, 1976 vide its order No. L. 12012/167/75/DII/A dated the 31st January, 1976, the Central Government made another reference to Industrial Tribunal, Delhi in the following terms :

‘Whether the action of the State Bank of India, Ambala in discharging Shri R. N. Dass, clerk from the 9th October, 1975, after the service of the letter of retirement on him is legal and justified? If not, to what relief is the said workman entitled?’

4. In course of time both these references stood transferred by the appropriate Government to this Tribunal and were registered at No. 119 and 120 of 1977 respectively. On receipt of these references useful were sent to the parties and proceedings were started. In the meanwhile some talks for compromise were initiated between the parties and the talks have materialised into settlement Ex. S/1 filed today before me. Ex. S/1 in fact was the offer made by the Bank which was accepted by the workman and in pursuance thereof statement of Shri S. Mishra for the State Bank of India and Shri T. C. Gupta and R. N. Dass for the workman were recorded which read as under :

‘There are two references No. 110 and 120 of 1977 pending between the parties. The parties have settled these disputes in pursuance of offer incorporated in S/1. In terms of S/1 the workman Shri R. N. Dass be deemed to have been retired w.e.w. 14-10-1975 with all benefits available to him as a retired workman including wages, gratuity, pension, leave salary, provident fund and bonus.

The question of costs is left to the discretion of the Tribunal. The workman forgoes his claim for officiating allowance. Awards may be made accordingly.

5. From the perusal of the offer Ex. S/1 and the settlement as recorded by the statements re-produced above. I find that the settlement is on the whole for the benefit of the workman and as such it is recorded.

6. In pursuance of the settlement recorded above it is warded in reference No. 120/77 that workman Shri R. N. Dass would be deemed to have been retired w.e.f. 14th of October, 1975 with all benefits available to him as a retired workman including wages, gratuity, pension, leave salary, provident fund and bonus.

6. In reference No. 119/77 in pursuance of the above settlement the workman would not be entitled to any benefit whatsoever.

7. As regards cost I am of the opinion that considering the settlement it would be appropriate that the workman is awarded costs in reference No. 120/77 which are assessed at Rs. 250 while the workman would bear his costs in the other reference. It is awarded accordingly. A copy of this award may be placed on file No. 119/77.

Dated : the 31st January, 1979

**FURTHER AWARDED**

Requisite number of copies of this award may be sent to the appropriate Government for necessary action at their end.

Dated : the 31st January, 1979.

MAHESH CHANDRA, Presiding Officer

**BEFORE THE PRESIDING OFFICER, CENTRAL  
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, BARAKHAMA ROAD, NEW  
DELHI-110 001**

In the matter of :—

R. N. Dass—workman  
Vs.

State Bank of India—Management.

The respondent Bank begs to submit as under :—

1. The respondent Bank will pay to Shri R. N. Dass all the retirement benefits such as Gratuity, Pension, Leave Salary (leave due at the time of retirement) and salary from 9th October to 14th October 1975 provided that :—

(a) Shri Dass will express regret and tender unconditional apology before the Honble Tribunal and further provided that;

(b) Shri Dass and his Union Representatives withdraw all the pending disputes before the Hon'ble Tribunal at present.

2. The respondent Bank prays to grant an award accordingly :—

for State Bank of India  
S. MISHRA, Management Representative

[No. L-12012/95/75-D.II-A and  
L-12012/167/75-D.II.A]

Dated : 30-1-1979.

**S.O. 1112.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of Allahabad Bank, Calcutta and their workman over appointment as permanent workmen of Shri Rajendra Prasad Pandey, Bill Collector and 11 other workmen without giving them benefit of their temporary service in the Bank.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 1, DHANBAD.**

In the matter of a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947.

**Reference No. 91 of 1977**

**PARTIES :** Employers in relation to the management of Allahabad Bank, Calcutta.

**AND**

Their Workmen.

**APPEARANCES :**

For the Employers : Shri M. R. Sarvadhikari, Law Officer.  
For the Workmen : Shri Ashoke Singh, General Secretary  
All India Allahabad Bank Employees Association.

State : West Bengal

Industry : Bank

Calcutta, dated, the 15th February, 1979.

## AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-12011/37/77-D.II.A., dated 23-11-1977 for the adjudication of the following industrial dispute :

"Whether the action of the management of Allahabad Bank, Calcutta, in appointing 12 workmen mentioned in Annexure 'A' as permanent workmen with effect from dates shown against them without giving them benefit of their temporary service in the bank, is justified? If not, to what relief are these workmen entitled?"

## Annexure 'A'

Name	Designation	Date from which working as temporary workmen	Date from which made permanent
1. Shri Rajendra Prasad Pandey.	Bill Collector	4-5-1971	16-4-7
2. Shri Sural Kr. Baul	Peon	25-5-1970	11-12-71
3. Shri Bhimsankar Tewari,	Bill Collector	11-5-1971	22-8-73
4. Shri Dulal Chandra Nandy.	Peon	Feb. 1971	31-11-73
5. Shri Arun Chatterji.	Peon	March, 1971	17-3-72
6. Shri Ashut. K. Majumdar.	Peon	2-12-68	24-12-73
7. Shri Rabinath Nath Dey.	Bill Collector	18-7-68	24-2-69
8. Sri Dilip Kr. Mehrotra.	Bill Collector	4-5-71	27-12-72
9. Sri Chandi Das Banerjee.	Bill Collector	10-4-69	10-4-70
10. Sri Kapil Deb Kishra	Peon	28-4-69	29-6-73
11. Sri Chandan Kr. Dev	Peon-cum-Farash	April, 1965	24-12-71
12. Sri Nripendra Kr. Kundu	Peon-cum-Farash	Dec. 1968	16-8-78

2. The parties have filed a settlement. The terms of settlement appear to be fair and reasonable. The award is given in terms of settlement which shall form part of the award.

S. N. JOHRI, Presiding Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of Reference No. 91 of 1977

BETWEEN

M/s. Allahabad Bank, 14, India Exchange Place, Calcutta-700001.

AND

Their workmen represented by Allahabad Bank India Staff Association 14, India Exchange Place, Calcutta-700001.

## TERMS OF SETTLEMENT

Sri M. R. Sarvadhikari, Law Officer, duly authorised on behalf of the management on the one side and Sri Ashoke Singh, General Secretary of All India Allahabad Bank Em-

ployees Association on the other hand entered into a settlement of the dispute raised in Reference No. 91 of 1977 pending before Central Government Industrial Tribunal No. 1, Dhanbad as follows :

"The dispute about the date of confirmation of the twelve workmen named in the schedule of the said reference shall be settled by the Bank on the principle incorporated in the settlement of 1977 entered into between the management on the one side and the Allahabad Bank Employees Union on the other side in respect of 35 Cash Clerks given due regard to the manner in which the said settlement has been actually implemented. The present Reference No. 91 of 1977 may, therefore, be decided accordingly."

On behalf of the Workmen :

Sd/-

(ASHOK SINGH),  
General Secretary,  
All India Allahabad Bank  
Employees Association.  
Dated,

Calcutta, the 12th February, 1979.

On behalf of the Bank

Sd/-

(M. R. SARVADHIKARI),  
Law Officer.

Parties agree that the Bank shall implement the award within three months of its publication.

Sd/-

Sd/-

(Ashok Singh)

(M. R. Sarvadhikari)

[No. L-12011/37/77-D. II.A]

S. K. MUKHERJEE, Under Secy.

New Delhi, the 20th March, 1979

**S.O. 1113.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal, No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of Allahabad Bank, Calcutta and their workman over C. Prasad, Stenographer over fixation of pay in the scale of Rs. 300—780, which was received by the Central Government on 16-3-79.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947.

7th April, 1979

Reference No. 27 of 1975.

PARTIES :

Employers in relation to the Allahabad Bank, Patna

AND

Their Workmen.

PRESENT :

Shri S. N. Johri, B.Sc., LL.M., Presiding Officer.

APPEARANCES :

For the Management.—Shri M. R. Sarvadhikari, Law Officer.

For the Workmen.—Shri Ashoke Singh, General Secretary, All India Allahabad Bank Employees' Association.

State : Bihar.

Industry : Bank.

Jabalpur, dated, the 5th March, 1979

## AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-12012/31/75/DII/A, dated, 31st May, 1975, for the adjudication of the following industrial dispute :

"Whether the demand of the workmen of the Allahabad Bank for fixation of Shri B. C. Prasad, Stenographer posted at Regional Office of the Allahabad Bank, Patna, in the scale of Rs. 300—780 is justified? If so, from which date?"

2. It is not disputed that Sri B. C. Prasad was working as a typist in the clerical grade of Rs. 170—550 since 1970 as an award staff. In response to an advertisement he applied for the post of Stenographer. He was selected for that post and appointed as stenographer in 1973. By a letter he was informed that he will get an allowance of Rs. 49 per month. The settlement of wage structure in 1970 provides the scale of Rs. 170—550 for the clerical staff generally. At page 21 it further provides the giving of Rs. 49 as allowance to a stenographer. Accordingly Sri Prasad is getting a sum of Rs. 49 per month over and above the scale of the clerical staff which he had been drawing earlier. He is posted in the Regional Office of the Bank at Patna.

3. As against that Miss Fatima D'Souza was directly appointed as Personal Assistant-cum-Confidential Stenographer in the Head Office on 8th April, 1971 vide Ext. M-5 in a scale of Rs. 300—780. Subsequently, Mrs. Ashoka Chakraborty, who had been working in the Head Office as Clerk-cum-Typist in the scale of Rs. 170—550 since July, 1969 vide Ext. M-6 was selected and posted as Personal Assistant-cum-Confidential Stenographer in November, 1971 vide Ext. M-4 in the scale of Rs. 300—780. Thus there are two types of stenographers in this Banking Industry. To the first type belong Miss Fatima D'Souza and Mrs. Ashoka Chakraborty who are designated as Personal Asstt.-cum-Confidential Stenographers and are working in the scale of Rs. 300—780 in the Head Office only. As against that there are other Personal Assistant-cum-Stenographers in the Head Office as well as Regional and other offices who as award staff are in the scale of Rs. 170—550 with an allowance of Rs. 49 per month. Sri B. C. Prasad falls in the latter category. In none of the Bank Awards or Settlements the scale of Rs. 300—780 has been provided to any Personal Assistant-cum-Stenographer.

4. The case of Sri B. C. Prasad is that the advertisement, in response to which he had applied, did not disclose the terms and conditions of the service and after being selected and being appointed as stenographer, when he agitated the question of his scale of pay, the Bank authority simply gave a memo saying that he will get an allowance of Rs. 49 per month without specifying the scale. There is no reason to discriminate between the two lady Personal Assistant-cum-Stenographers at the head office, and other P.A.-cum-Stenographers because the nature of duties performed by them are the same and the discrimination cuts across the fundamental rights granted under Articles 14 and 16 of the Constitution of India. He should therefore be placed in the same scale which is being enjoyed by Miss Fatima D'Souza and Mrs. Ashoka Chakraborty.

5. The management has challenged the validity of the reference and on facts has pleaded that the management was competent to create a special cadre scale constituted of two posts of the P.A.-cum-Confidential Stenographers at the head office who are dealing with the confidential work. Their duties and the importance of the confidential nature of work that they are required to handle materially differ from the nature and importance of the duties of other P.A.-cum-Stenographers in the head office as well as in other Regional and Branch Offices. There is difference between the two categories with respect to the channel of promotion available to them. Recruitment to the two posts in the special cadre scale of Rs. 300—780 was exclusively within the choice and discretion of the management and as such Sri B. C. Prasad after accepting the appointment in the scale of Rs. 170—550 with an allowance of Rs. 49 cannot claim to be placed in that higher scale of Rs. 300—780. Equality can be claimed only amongst equals. If the same special cadre scale is given to all P.A.-cum-Stenographers it will be violative of Bi-partite settlement

6. Clause 163 of Sastry Award stated after prescribing the scales that they were minimum which should be given to the staff. It further proceeded to say, 'it is perfectly open to the Bank to give more and indeed in some cases it is but right that they should do so.' Similarly speaking about the allowance the Award proceeded to say in the same clause that 'here again it may be open to the Bank to provide for such

allowance even in respect of categories which are not included in our list wherever owing to previous practice or for other good reasons they think it right and proper to do so.' These observations in the award were speaking of the freedom of the Bank to exercise managerial prerogative of creating a special cadre with better scale of pay or allowance in suitable cases. None of the settlements or awards in any of the Bank disputes, has curtailed that managerial prerogative. It is in exercise of that power that the Bank decided to create a special cadre constituted of only two posts of P.A.-cum-Confidential Stenographers at the head office in the scale of Rs. 300—780 for dealing with important confidential matters in the personal or other branch. The step so taken by the Bank is not violative of Art. 14 or 16 of the Constitution of India.

7. The important nature of the confidential work handled at the head office cannot be equated with the nature of the confidential work which is incidentally handled by the P.A.-cum-Stenographer in the Regional and other branches. Moreover there are other points of distinctions. These two posts in the head office have no promotion channel and the fate of the incumbents is sealed. As against that the P.A.-cum-Stenographer in the Regional and other offices, drawing a scale of Rs. 170—550 with an allowance of Rs. 49, have a large vista of promotional avenue open to them. Whereas these two lady stenographers holding the special scale in the head office can never dream to become officers, the P.A.-cum-Stenographers are likely to become officers some day or the other and there may be a chance when some one of them may have an occasion to boss over these two ladies. There is no interchangeability or intertransfers between these two types of stenographers. The two ladies in the higher scale are getting lesser D.A. as compared to the P.A.-cum-Stenographers in Regional and other offices. These and other points of distinction between them do put these two categories of P.A.-cum-Stenographers into two water-tight compartments one having no nexus with the other. They cannot be treated as equals and the abstract doctrine of equal pay for equal work cannot be made applicable to them. As was held in *Kishori Vs. Union of India* AIR 1962 SC 1139 as well as in *State of Punjab vs. Joginder Singh* AIR 1963 SC 913, the qualifications, method of recruitment and avenues of promotion being different, they formed two distinct and separate classes. Hence disparities in their scale was not violative of Art. 16 of the Constitution of India.

8. Sri B. C. Prasad was not given an understanding that he was being called for selection for one of these two posts of P.A.-cum-Stenographers in the head office in which Miss Fatima D'Souza and Mrs. Ashoka Chakraborty were working in the scale of Rs. 300—780. After appointment he was clearly informed that he will get only an allowance of Rs. 49 besides the clerical scale as was being given to all other stenographers in all other regional offices and branches. After accepting that post and scale Sri B. C. Prasad is now estopped from saying that he had applied for some other post or should be given one of the two special scale posts created at the head office.

9. Granting a relief of awarding scale of Rs. 300—780 to Sri B. C. Prasad at Patna regional office would mean creating a post of that scale in that regional office which is beyond the purview of the reference and outside the scope of justification of this Tribunal. A person can be appointed to the scale and post only after the post of that scale is first created by the management at that particular regional office or branch. The cart cannot be placed before the horse i.e. the appointment cannot precede the creation of post of that particular scale; it has only to follow.

The order of reference pointedly speaks of the post of stenographer in the regional office at Patna and states whether Sri B. C. Prasad working in that post in that particular place can be given that higher scale of Rs. 300—780 for which a very simple answer is in negative because the Bank has not created any post in that scale in that regional office, Patna.

10. Moreover Sri B. C. Prasad is only one of those large number of P.A.-cum-Stenographers working in Banking industry as a whole. They are all working in the scale of Rs. 170—550 plus an allowance of Rs. 49 per month as per settlement which is still binding. There is nothing peculiar for distinguishing Sri Prasad from that lot. If all the P.A.-cum-Stenographers are given the scale different to the one provided in

the settlement of wage structure of 1970, it would mean nullifying the settlement by abolishing a settled scale and replacing it by another, even when that settlement is binding on both the parties and has not yet been set aside by any notice.

11. I have not dealt with the validity of the reference as that point was not pressed before me at the time of arguments.

12. It is, therefore, held that the demand of workmen of Allahabad Bank for the fixing Sri B. C. Prasad in the scale of Rs. 300—780 at regional office, Patna is not justified. The reference is answered accordingly.

S. N. JOHRI, Presiding Officer.

[No. L-12012/31/75-D.II.A.]

New Delhi, the 21st March, 1979

**S.O. 1114.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of Bank of Baroda, Dhanbad and their workman over transfer of Shri Bishwesh Chandra, Subordinate Staff, Class IV to Bhagalpur Branch w.e.f. 15-2-1977, which was received by the Central Government on 16-3-1979.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.**

In the matter of a reference under Section 10(1) (d) of the Industrial Disputes Act, 1947.

**Reference No. 90 of 1977**

**Parties : Employers in relation to the management of Bank of Baroda, Dhanbad.**

**AND**

**Their Workmen.**

**APPEARANCE :**

For the Employers : Shri N.N. Guha, Advocate.

For the Workmen : Shri S. Pal, Advocate.

State : Bihar, Industry : Bank.

Dated, the 27th February, 1979.

**AWARD**

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-12012/52/77-D. II. A, dated 7th November, 1977, for the adjudication of the following industrial dispute :

"Whether the action of the Management of Bank of Baroda, Dhanbad Branch, Katras Road, P. O. Dhanbad (Dhanbad) in transferring Shri Bishwesh Chandra, Subordinate Staff, Class IV to its Bhagalpur Branch with effect from 15-2-1977 is justified ? If not, to what relief he is entitled ?"

2. The management filed written statement on 13-2-1978 copy of it was received by the union that very day. The union was then duty bound to incorporate all denials of the management's pleadings in their written statement which was filed on 10-3-1978. They simply ignored it and preferred to plead their own case in their written statement. No rejoinder was filed by either party. Thus many of the facts alleged by the management remained undenied. According to the law of pleadings, which is very much applicable to the proceedings before this Tribunal all such undenied facts are taken to be admitted facts unless the tenor of some pleading in the written statement of the union rules out an intention to admit the fact. It is with this prelude that I proceed to narrate the admitted facts as follows :

(i) It is not disputed that Shri Bishwesh Chandra was appointed as Class IV Subordinate Staff in Dhanbad branch of the Bank of Baroda in the year 1972. Though Bank of Baroda had many branches yet Bhagalpur branch was not there in existence. It was opened for the first time on 20-12-1976 vide Ext. M-19. One of the service condition in the letter of his appointment Ext. M-1 which was accepted by Shri Bishwesh Chandra vide Ext. M-(A) was that, 'he will be liable to be transferred to any of the Bank's branches'. On 15-1-1977 he was the junior most Sub Staff at Dhanbad

Branch. When Deori and Bhagalpur branches were opened Shri B. Chandra was informed that he was being transferred to Deori branch. He then represented, not against his transfer, but against the said place where he was being transferred and instead expressed his willingness for being transferred to Bhagalpur branch. The representation was accepted and he was ordered to be transferred to Bhagalpur branch of the Bank. Neither he nor the union raised any objection.

(ii) On 14-2-1977 he was served with the transfer order informing him that he would be relieved of his duties at Dhanbad on 15-2-1977 after office hours. On 15-2-1977 he applied for T. A. advance and drew the sanctioned amount of Rs. 350/-. He was released that evening from Dhanbad branch. Representations and leave application started pouring in from the next day that his transfer should be cancelled as his wife was in advanced stage of pregnancy and could not be moved because of the medical advice to the contrary and the result was that Shri Chandra did not report at Bhagalpur branch.

(iii) In the discussions with the union it was decided on 1-6-1977 that Shri Chandra should first join at Bhagalpur branch and then the management would consider his representations. Consequently Shri Chandra joined there on 7-6-1977. Considering his representation about the condition of his wife he was then again temporarily transferred to Dhanbad branch for a period of one month but on his representations the said period was extended from time to time to October, 1977 on his own applications after which he was retransferred to Bhagalpur branch.

3. The case of the union is that the transfer was by way of punishment for the workman's union activities. It was against the spirit of Shastry Award and contrary to the practice prevailing in the Bank that sub staff should not be disturbed. A false fear psychosis was whipped up by the management that he had become surplus at Dhanbad. Transfer was irregular, arbitrary and mala fide. As Bhagalpur branch was not in existence when his service conditions were defined in the appointment letter so the clause about his transferability could not relate to that branch. Under threat and coercion he was made to sign various papers including his T. A. bill and his pay was stopped since February, 1977. Union wants to raise inference of malafides on account of the following alleged facts and circumstances :

(i) not passing of any release order;

(ii) not assigning any administrative reasons for such transfer ;

(iii) not paying the salary since February 1977 ;

(iv) not permitting to take over or make over charge ;

(v) not listening to representations ; and

(vi) not giving any reply to the union.

5. Though according to the language used in the schedule of the reference general burden of the justification of transfer has been placed upon the management yet with the admission of facts as stated in the opening paragraphs and admission of documents it is clear that the burden of proving the specific facts and circumstances showing malafides etc. was clearly upon the union that is why Sri Pal was asked to open evidence. However, he could not be convinced that the burden was on him and ultimately when I told him that he has to lead evidence he still did not lead evidence because he had none.

6. So far as the burden of proof is concerned it is clear that though the Evidence Act is not applicable to the proceedings before Industrial Tribunal yet the first principle, of the law enunciated in the Evidence Act do apply and as has been held in Ramendra vs. 8th Industrial Tribunal, West Bengal 1975 Lab. I.C. 94, Calcutta, the law of burden of proof is one such principle enunciated in the Evidence Act which should govern the proceedings before Industrial Tribunals.

7. In so far as the burden of proof is concerned it is of two types. One is the general burden of proof based on the pleadings. It never shifts and remains constant. The other is burden of proof in the sense of adducing evidence which changes from time to time when the balance of sum total of the evidence, whether due to admission of facts or by admission of documents tips the balance in favour of

one party the burden then shifts on the other party to rebut it. These two aspects of the burden of proof are embodied in Section 102 of the Evidence Act. The law on this point was clearly laid down by the Privy Council in *Kumbhan Lakshan vs. Tangirale Venkateswarule* AIR 1949 P.C. 278. Thus though according to the language used in the reference the general burden of proof constantly remained on the management to justify the order of transfer yet the burden of proof in the sense of adducing the evidence for establishing the facts alleged against the management did shift upon the union because it was for the union to establish that the order of transfer, which otherwise appears to be innocuous, was not in fact so; It was motivated and mala fide.

8. When in spite of the aforesaid clear position of law of burden of proof the union refused to adduce oral evidence, may be because it was not in possession of any evidence on the date of hearing, the Tribunal is contained to resort to the abstract theory of burden of proof for drawing necessary inferences.

9. It is the admitted position of law that transfer is managerial function. It was observed by the Supreme Court in *Canara Banking Corporation Ltd. vs. U. Vittal* 1964(3) SCR 268 at page 274 as follows :

"The management of the bank is in the best position to judge how to distribute its man-power and whether a particular transfer can be avoided or not. It is not possible for industrial tribunal to have before them all the materials which are relevant for this purpose and even if these could be made available the tribunals are by no means suited for making decisions in matters of this nature. That is why it would ordinarily be proper for industrial adjudication to accept as correct any submission by the management of the bank that an impugned transfer has been made only because it was found unavoidable."

The Supreme Court recognised only mala fides, victimisation unfair labour practice or some other ulterior motive as a ground which may make a valid exception to that general rule and defined the area of interference by the Tribunal in the matter of transfer of person. The same view was thereafter adopted in *Shaw Wallace & Co. Ltd. vs. Central Government Industrial Tribunal-cum-Labour Court, Jabalpur* 1970 Lab.I.C. 90 M.P. The Tribunal has thus to see whether the present case falls within that area of exception where interference can be possible.

10. It is alleged that the transfer is contrary to the directions given in the Sastry Award. The relevant portion of the said directions may be re-produced as follows :

"We direct that in general the policy should be to limit the transfer to minimum consistent with the banking needs and efficiency. So far as the numbers of the Subordinate establishments are concerned there should be no transfer ordinarily and if there are any transfer at all they should not be beyond the language area of the person so transferred." These direction are admittedly binding on both the parties. The Supreme Court had the occasion to interpret these directions in the aforesaid case of *Canara Banking Corporation Limited*. It held at pages 272 and 273 that the language used did not incorporate total prohibition against transfers of the subordinate staff within the same language area. The words 'limit the transfers to minimum consistent with the banking needs and efficiency', do leave an area of discretion with the Bank to decide on the consideration of necessities of its business interests whether the transfer could or could not be avoided. In contradistinction of the first part of these directions, the later part, relating to the subordinate staff, makes out a total prohibition, that too 'ordinarily' against transfer beyond language area of the persons who is transferred. Impugned transfer is within the same language area. Thus I am of the view that this transfer does not transgress the direction given in the Sastry Award in this respect.

11. There is no evidence that the Bank did not try to limit the number of transfers to the minimum. No other cases of general sweep of transfers have been alleged or proved before me. On the other hand there is clear cut evidence established from the documents on record that the transfer was necessitated on account of opening of new branches and Sri Bishwesh Chandra was picked up for transfer because he was junior most at Dhanbad Branch. Even there his wishes were honoured in as much as his transfer as was

earlier proposed to Deori Branch was cancelled on his representation and as he expressed his willingness of transfer to Bhagalpur, the orders were passed accordingly. That willingness is further evident from the fact that immediately after the service of the transfer order on 14-2-77 he applied for T.A. advance on 15-2-77. He was sanctioned and he drew that amount of Rs. 350 by the evening of 15th February, 1977 when he was released. No specific release order was necessary as the member of the subordinate staff like him had no charge to hand over. It is for the Bank to decide how to distribute the man-power to the new branch for their efficient running. There was no complaint against the workman since the date of his appointment and as such he can be an ideal person to be selected for being posted to a new branch. In this way I find that there is no transgression of the direction given in the Sastry Award.

12. The story of advanced stage of wife's pregnancy, her inability to move on medical advice, cropped up from the next date i.e. 16-2-1977 when he started making representations and produced leave application. The management had a fruitful discussion on this point with the union and minutes recorded go to show that the union agreed that the workman should first join at Bhagalpur branch and than his request of transfer back to Dhanbad branch shall be considered. It was in that context that the workman was subsequently temporarily transferred to Dhanbad branch in order to ameliorate his difficulties regarding the condition of health of his wife and there he stayed not only for a month but for about four months as the considerate management extended the period of his stay there from time to time on his applications. The difficulty was thus a temporary one for which adequate facilities were given to the workman. This was again in keeping with the spirit of the direction made in the Sastry Award.

13. The original appointment letter dated 17-5-52 is Ext. M-1. It has been admitted by the counsel for the union. It does contain a clause that "he will be liable to be transferred to any of the branches. Learned counsel for the union relying upon the observation made by the Supreme Court in AIR 1960 SC 650, wants to interpret this clause to mean his liability for transfer to any of the Bank's branches which was then in existence. Bhagalpur branch was not in existence in 1972 when Sri B. Chandra was initially appointed. Hence he could not be transferred to Bhagalpur branch. I do not find myself in agreement with this interpretation of Sri Pal. The case of an employee of a company which has no branches at all when that an employee initially enters into the service of that company, is altogether different in the matter of transferability to the newly opened branches subsequently because in that case the employee could not have visualised his liability of transfer on account of the non-existence of the branches at the time of service contract. Such a case cannot be equated with the present one where the Banking Co. was already having branches throughout the country and as a nationalised company with the growth of Banking business for development purposes, it could always be envisaged that more number of branches shall continue to be opened in course of time. In such a context the term laying down liability of transfer to any of the Bank's branches cannot be read in a restricted sense of meaning only those branches which were then in existence. Such a restrictive interpretation would create anomalous situation because in several cases of transfer it will have to be first found out whether a particular branch existed at the time of the initial recruitment of the employee or not. The words 'any of the Bank's branches' are wide enough to mean even those branches which may subsequently be opened by the Bank. The plea that the transfer is against the service condition is also thus not tenable. On the other hand, this condition of service justifies the transfer. This condition is not against the aforesaid direction given in Sastry Award because as said above, that award does not lay down total prohibition on the transfers.

14. The plea that the management raised a false bogey that the workman was being transferred as he had become surplus at Dhanbad branch, has no leg to stand and the management has not alleged that he was transferred on that account. There is no evidence nor it was even alleged in the previous correspondence and papers that Sri Chandra indulged in union activities or was the office bearer of any union nor there is evidence which can give rise to any inference that he was transferred on account of his union activities. Had it been so the management would not have posted him back to Dhanbad branch temporarily for a period of one month nor would have extended his stay there for a total period of about four months. There is thus no evidence to raise an inference of mala fides or victimisation.



15. Not passing the order of release, which was not necessary could hardly raise any such inference of malafides on the part of the management. It was not duty bound to assign the administrative reason which necessitated such transfer. On the other hand the reason for the transfer is obvious from the circumstances that a new branch was opened at Bhagalpur. In this way no inference of malafide intention can be raised on this account as well. It is alleged that the salary was not paid to him since February 1977 and therefore the presumption of malafide should be raised against the management. The workman himself admitted before me that he has received all his dues except for a short period from 13-3-77 to 6-6-77 which has nothing to do with his transfer of 15-2-77. This again does not call for an inference of malafides.

16. Making or taking over charge is proved to be unnecessary. Representations were duly attended with a positive response and the matter was duly discussed with the union, hence all the grounds raised by the union in paragraph 14 of its written statement for raising an adverse inference of malafides and victimisation miserably stand disprove and have no legs to stand. There is no evidence to prove that the transfer was by way of punishment as there is no allegation of any misconduct. Similarly there is no evidence of the involvement or connivance of Mr. Nait, the then Agent, with the rival union.

17. I am, therefore, of the view that no case is made out by the union which may necessitate the interference by this Tribunal in the matter of the transfer of Sri Bishwesh Chandra, Subordinate Staff to Bhagalpur Branch on 15-2-77. His transfer is held to be justified. Award is given accordingly.

S. N. JOHRI, Presiding Officer  
[No. L-12012/52/77-D.II.A.]

New Delhi, the 22nd March, 1979

**S.O. 1115.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the management of Punjab National Bank, Bhopal and their workman over dismissal of Shri Prakash Chandnani, Clerk-cum-Cashier Incharge from service with effect from 29-6-76, which was received by the Central Government on 17-3-79.

**BEFORE SHRI S. N. JOHRI, B.Sc., I.I.M. PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)**

Reference Case No. CGIT/LC(R)(23)/1979.

#### PARTIES :

Employers in relation to the management of Punjab National Bank, Bhopal and their workmen, represented through the Association of Punjab National Bank Employees (M.P.) Central Office, 30, Bakshi Gate, Indore (M.P.)

#### APPEARANCES :

For Union—Shri C. I. Bharadwaj

For Management—Shri R. P. Raizada, Senior Personnel Officer.

INDUSTRY : Bank

DISTRICT : Bhopal (M.P.)

#### AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its order No. L-12012/109/77-D. II. A dated 27th April/2nd May, 1978, for the adjudication of the following industrial dispute :—

“Whether the action of the management of Punjab National Bank, M.P. Region, Bhopal in dismissing Shri Prakash Chandnani, Clerk-cum-Cashier Incharge Bairaigarh Branch of the Bank from service of the Bank with effect from 29-6-76 is legal and justified ? If not, to what relief is the workman entitled ?”

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2. It is not disputed that Shri Prakash Chandnani a confirmed Clerk-cum-Cashier at Bairaigarh Branch of the Bank, was placed under suspension on 23-10-1975. Following charge-sheet was served upon him on 17-11-1975;

“With further reference to this office memo under reference No. 4324 dated 23-10-1975, you are hereby charged to show cause as to why disciplinary action be not taken against you for the following acts of misconduct on your part :

That on 23-10-1975, you came to the office at about 10.30 A.M. after availing 5-1/2 days sick leave and insisted that you may be allowed to resume duty without producing medical certificate of fitness and leave application for the period of your overstay. When the undersigned advised you to produce a certificate of fitness first, as is required under Bank's rules, you resented and went to the extent of challenging his authority and threatened dire consequences including murder to the undersigned. Looking to your behaviour, the matter was reported to Regional Manager's office on telephone from where, two senior officers, the Asst. Regional Manager and the Area Manager, both were deputed, who on arrival at about 10.30 A.M. made spot assessment of the situation and instructed that you may be suspended pending enquiry.

Your past record also has not been upto the marks, as would be evident from the following serious lapses on your part.

On 1-8-1975, Shri H. V. Sonpimple, Clerk-cum-Cashier at the office, on return from SBI, Bhopal after depositing cash, brought Rs. 300/- from Shri Khalil which was handed over by him to you for depositing in the Term Loan Account of Shri Matmur Rehman. The said amount was not deposited on the date of its receipt by you and it was only 5-8-75 when the then Officer Incharge, Shri L.J. Hemnani detected on enquiry that the said amount of Rs. 300/- was kept by you in your house and deposited in the aforesaid Term Loan Account.

Likewise, there have been instances of serious lapses on your part indicating insubordination, misbehaviour and negligence on your part and you were warned on many occasions though verbally, and no action was taken in view of the undertakings given by you. Only recently, a departmental enquiry was instituted against you as a result of which, the punishment of withholding your two graded increments permanently falling due on 28-3-76 and 28-3-77, has been proposed to you and further action is pending.

In view of the aforesaid facts of omissions and Commissions on your part, you are guilty of major misconducts in terms of Award/Bipartite Settlement, for which, deterrent disciplinary action is called for.

You are, therefore, directed to submit your explanations, in duplicate, within 48 hours of the receipt of the said charge-sheet showing cause as to why deterrent disciplinary action including your dismissal from Bank's service for the aforesaid acts of misconduct, which are of a very serious nature, be not taken against you.

Please note, in case you fail to submit your explanations within the specified period, it will be presumed that you are unable to produce any defence in support of your case and the matter will be reported to Higher authorities for further action against you.

3 The domestic enquiry on the said charge-sheet was held by Shri R. P. Raizada, Senior Personnel Officer of the Bank. Accepting the findings given by him in his report, the Disciplinary Authority dismissed the delinquent on 29-6-76. The validity and irregularity of the enquiry was treated as a preliminary issue. By the order dated 7th November, 1978 it was held by this Tribunal that the enquiry was vitiated. Fresh enquiry was held by this Tribunal and parties were

given an opportunity to adduce evidence. The evidence relating to past alleged misconducts was not allowed to be adduced at this stage firstly because the charge on that point was vague as it mentioned unspecified past misconducts except one for which separate unconcluded enquiry was held and more so those alleged past misconducts had not bearing on the proof or disproof of the incident for which Shri Chandnani had been suspended and charge-sheeted. Past misconducts would be relevant only for deciding the quantum of punishment in the event of the conclusion of proved delinquency on the main charge for which he was suspended.

4. The case of the management is that Shri Chandnani came to the Bank in time after overstaying the sanctioned leave by one day, and proceeded to sign the attendance register. Shri Nagaria the then Branch Manager asked him whether he had brought and submitted the fitness certificate because Shri Chandnani and proceeded on leave on medical grounds. Not only he did not produce the medical certificate of fitness and defied the instructions but also started collecting the cash from the customer for preparing the F.D.R. after taking the keys from Shri Sonpimple who was officiating in his place during his absence. When he was asked to first produce the medical certificate he resented and threatened the Manager of dire consequences. He even went to the length of saying to Shri Nagaria that he will be murdered. The Branch Manager reported the matter to the Regional Manager on phone who gave a green signal to suspend Shri Chandnani forthwith and informed him that he was sending two senior officers. Accordingly Shri Tuli and Shri Sethi arrived at Bairagarh Branch of the Bank within a few minutes. They made some oral enquiries and then advised the Manager to issue suspension order. Accordingly Shri Chandnani was suspended on 23rd October, 1975.

5. The case of the delinquent is that he had brought the medical certificate of fitness with him, but he signed the register and took the keys as a customer came to him in hurry and handed over a bundle of notes asking him to prepare the F.D.R. which he required urgently. As a matter of practice it was not a condition precedent for joining after leave to at first produce medical certificate and then to start the work. Shri Chandnani intended to submit certificate along with the application for sanction of the extended period of leave on proper printed proforma. But in doing so he did not want the Bank business to suffer and therefore he said to Shri Nagaria that he would be submitting the certificate along with the application after attending that customer. On this Shri Nagaria lost temper and made a false report on phone to the Regional Manager that Shri Chandnani had misbehaved with him and had threatened him of dire consequences going to the length of committing murder when in fact no such threat was ever given to him. Nor behaviour of Shri Chandnani was in any way insolent. He did not go out of the premises of the Bank and when the two officers arrived he produced medical certificate of fitness which was not accepted as they told that it was defective. The customer tried to impress upon the officers who had so come to watch the situation that in fact the behaviour of Shri Chandnani was not insolent nor he threatened Shri Nagaria with dire consequences and the report so made by the Branch Manager was false. Officers, however, did not pay any attention to his words. Shri Chandnani did produce the medical certificate of fitness before the two senior officers but they did not accept it saying that it was defective.

6. The non-production of the medical certificate of fitness at the time of joining is the very basic fact on which the whole edifice of the dispute stands. If Shri Chandnani was in possession of the certificate when he came to the Bank as alleged by him there was no point in not submitting it and in losing the temper when the certificate was demanded it. Therefore, it is at first necessary to decide whether Shri Chandnani was or was not in possession of that certificate. As W.W. 1 he has stated on oath that he had brought the medical certificate of fitness with him when he came to the Bank on that date at 10.30 a.m. Shri Lilaram Belani (W.W. 2) has stated that Shri Chandnani did tell the Manager that he would be presently submitting the certificate which was with him and he would do so as soon after as he deals with the customer i.e. Shri Belani himself who was in hurry to get his F.D.R. prepared. Shri R. P. Raizada, representative of the management, has admitted at the bar that Shri Belani was in fact present at the time of incident and he did collect the F.D.R. that morning.

He is an independent witness and a man of respect being a contractor who is associated with the social and political work for which he was arrested during emergency. It is again admitted that since the time Shri Prakash Chandnani came to the Bank he did not leave the premises till the two senior officers Shri Sethi and Shri Tuli came to the Bank, made summary interrogations and approved the passing of the suspension order by the Manager thereafter. Shri B. C. Sethi (M.W. 4) had admitted that Shri Chandnani did produce the medical certificate of fitness before him and that certificate was not accepted because it was defective. When the certificate was actually put to Shri Sethi he could not find out any defect in it and had to ultimately state that had he been the Manager of the Bank at that time he would have certainly honoured the certificate and allowed Shri Chandnani to join the duties. Thus it is established from the evidence on record that on that day Shri Chandnani had come armed with the required medical certificate of fitness in proper form.

7. Now if he was having the certificate there was no point in not producing it before the Manager or losing temper when the certificate was demanded. In fact, according to Shri Belani Shri Chandnani had assured the Manager that he would produce the certificate as soon as he disposed of the customer. Shri Chandnani has stated that the certificate was to be enclosed to an application for leave for the day for which he had overstayed the sanctioned leave. That application was to be submitted on a printed form which he had to obtain from the office. All this goes to show that Shri Chandnani was intending to complete the formality without loss of much time having the interest of the Bank at the upper most in his mind. Heavens would not have fallen had he submitted the certificate along with the application after a few minutes, as it is in evidence that many times such certificates and applications are submitted by the employees at a later hour of the day on which he joins and the officers are not very meticulous about the submission of the leave application and certificate as a condition precedent to the joining of the duty. I am therefore of the view that there was thus no occasion for Shri Chandnani to deliberately not to submit the certificate, lose the temper and utter any words of threat.

8. The next question is whether as a matter of fact any such threat, of dire consequences and murder, was given by Shri Chandnani. Shri Belani (W.W. 2) had stated on oath and has thereby confirmed the statement of the delinquent that no such threat was ever given by him. This is further supported by the consistent admitted conduct of Shri Belani that he protested to the Manager as soon as the Manager conveyed to the Regional Office on phone that Shri Chandnani had so threatened him, that the message so given on phone was not correct and Shri Chandnani had in fact not given any such threat to him. This he reiterated even before Shri Sethi when he arrived on the spot but his words were wasted and no weight was given to this independent testimony of the customer. There is no reason to disbelieve Shri Belani on this point.

9. As against that the management examined Shri Nagaria (M.W. 1), Shri Kasliwal (M.W. 2) and Shri Murti (M.W. 3). Shri Nagaria, Branch Manager, was the aggrieved party. In fact he had complained against Shri Chandnani and his version has therefore to be taken with a pinch of salt. He exaggerated that Shri Chandnani thumped his table. No witness supports him on this point. He again tried to introduce the evidence of admission of guilt and apology by Shri Chandnani before the two officers who had come from the Regional Office. Even though he had made no such statement before the Enquiry Officers. He contradicts Shri Nagaria on this point. He again speaks of admission of guilt and tender of apology which was not the story at the initial stage of the enquiry. His evidence is also thus an infirm piece of testimony. Shri Murti (M.W. 3) is a member of rival union. He has been given the facility to stay in Arora Colony which is situated several kilometers away on the other side of Bhopal Town when the Branch Office is situated at Bairagarh. As against that Shri Umre a member of Shri Chandnani's Union was compelled to come down and stay at Bairagarh. This potential threat of meeting the fate of Shri Umre if the management became annoyed and asked him to come down and stay at Bairagarh itself, hangs on his head and he is therefore likely to oblige the management by speaking against Shri Chandnani. I am therefore of the opinion that the weight of the reliable evidence and independent testimony tilts in favour of the delinquent and disproves that any such threat was ever uttered by him before

the then Branch Manager, Shri Nagaria. There is no evidence that his behaviour was insolent. Under the circumstances it is obvious that he was victimised for his trade union activities which activities are amply established on record.

10. The main charge is thus not established and it is held that the management was not justified in dismissing Shri Chandnani. In view of this finding all other alleged past acts of delinquency and punishment become irrelevant all together as he could not be found guilty of this incident of insolent behaviour and threatening attitude simply because of his past conducts of alleged delinquency for which it is said that he had been already punished. They could be relevant only for deciding the quantum of punishment in the event of the finding of guilt for this incidence against Shri Chandnani. Consequently the dismissal order is set aside. Shri Chandnani shall therefore be reinstated with all back wages and the management shall pay Rs. 100 as costs to the Union.

28-2-1979.

S. N. JOHRI, Presiding Officer  
[No. L-12012/109/77-D.I.A.]

S. K. MUKERJEE, Under Secy.

New Delhi, the 15th March, 1979

**S. O. 1116.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the Selected Fatka Colliery Post Office Nirsachatti, District Dhanbad and their workmen, which was received by the Central Government on the 9th March, 1979.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947  
**Reference No. 65 of 1977**

**PARTIES :**

Employers in relation to the Selected Fatka Colliery.  
P.O. Nirsachatti, Distt. Dhanbad.  
**AND**

Their Workmen.

**APPEARANCES :**

For the Management : Shri T. P. Choudhury, Advocate.  
For the Workmen : Shri J. D. Lal, Advocate.

**STATE : Bihar. INDUSTRY : Coal**  
Jabalpur, dated the 3rd March, 1979

**AWARD**

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-20012/109/76-D.I.I.A., dated, 25-6-1976, for the adjudication of the following industrial dispute :

"Whether the action of the management of Selected Fatka Colliery, Post Office Nirsachatti, District Dhanbad in denying reinstatement of Shri Ali Mohammed Mia, Miner is justified? If not to what relief is the said workmen entitled and from what date."

2. It is not disputed that Selected Fatka Colliery was a non-coking coal mine which was placed under receiver by the Calcutta High Court and when under the presidential order it vested in the Government on 31-1-73, the custodian, who was appointed to take charge of the colliery, was injunctioned by Calcutta High Court at the instance of the receiver to take possession of the colliery. The management continued with the receiver till November 1976 when Sri S. T. Biswas was the Manager of the Colliery. It was then taken over by the Eastern Coalfields Ltd. The colliery was at that time in November 1976 flooded. Mining operations could therefore be resumed in that colliery only in February, 1977.

3. It is further admitted that atleast from 19th February, 1973 to 11th April, 1973 Sri Ali Mohammed Mia worked as

a miner. He suffered from Pulmonary Tuberculosis and under a certificate granted by the Manager of the colliery he was admitted to Central Hospital, Dhanbad. His illness was aggravated and he was therefore sent to Ramakrishna Mission Tuberculosis Sanatorium, Ranchi in July, 1975 from where he was discharged on 30-12-1975 when a fit certificate was granted to him. He reported for duty but was not taken back in service.

4. The case of the workman is that he was a permanent employee of the erstwhile owner as miner, in Selected Fatka Colliery since the year 1969. As he became ill he was given the certificate by the Manager and under that certificate he was admitted to Central Hospital from where he was transferred to Ramakrishna Mission Tuberculosis Sanatorium, Ranchi. The management refused to take him back on duty when after being discharged from the Ramakrishna Mission Sanatorium he reported back for duty with fitness certificate.

5. The case of the management is that the old records were lost. The then Manager himself pleaded before the Asstt. Labour Commissioner (C) that Ali Mohammed Mia was only the casual worker who had worked for 40 days from 19-2-73 to 11-4-73, he was then sent to the Hospital on humanitarian grounds with a certificate that he was the employee in that mine. His name was not included in Form B Register or in the list that was handed over by the custodian to the Eastern Coalfields Ltd.

6. Whereas Sri T. K. Moitra MW-1 had no personal knowledge about the employment of Ali Mohammed Mia because he was not there at that time. Sri S. T. Biswas pleaded his ignorance and there was a lot of talk about the loss of records etc. How could a false certificate of being an employee of Selected Fatka Colliery be given by the Manager Sri Biswas when according to him Sri Ali Mohammed Mia was no more in service. As pleaded by him before Asstt. Labour Commissioner (C) the casual employment of Sri Ali Mohammed Mia had come to an end on 11-4-73 and he worked only for about 20 days when in Ex. A the Manager of the colliery wrote on 28-4-73 to the Supdt., Central Hospital, Dhanbad, that he had been an employee of the colliery for the last one and a half years i.e. since about 1972. Ex. A proves the falsity of the plea raised by the Manager in Ext. M2. On the other hand Sri Islam WW-2, who is an old permanent miner in the colliery, stated that Ali Md. Mia was working as miner with him since 1969 in that colliery. He stated that Ali Mohammed Mia was working till nationalisation and for a few days even thereafter. He corroborated Ali Mohammed Mia on this point. The statement of the worker and his witness is further corroborated by the fact that under the certificate issued by the Manager, he was admitted to Central Hospital. Ext. M-3 certificate is signed by the Medical Officer of T. B. Wing of Central Hospital, Dhanbad. His colliery address is given as miner in Selected Fatka Colliery. The certificate omits to give the Coal Mines Provident Fund Number but the witnesses have admitted and list Ext. M-1 goes to show that in many cases C. M. P. F. Number was not there though most of the persons had been allotted C. M. P. F. Number. The list Ext. M-1 at page 9 at serial no. 387 thus mentions Sri Mohammed Mia as a miner. No witness stated that name of Ali Mohammed Mia was not in the list Ext. M-1. The certificate Ext. W-1 issued by Dr. M. C. Verma, Medical Officer of Ramakrishna Mission Tuberculosis Sanatorium, Ranchi states very clearly that Ali Mohammed Mia, miner of Selected Fatka Colliery was an in-patient in a bed reserved by Coal Mines Welfare Organisation. He was admitted there as per letter dated 11-7-74 of Medical Officer, T. B. Wing, Central Hospital, Dhanbad. This bed in Ramakrishna Mission Tuberculosis Sanatorium, Ranchi which is reserved for the mine employees could not be given to Ali Mohammed Mia unless he was holding any lien to the post in the mine. There is thus preponderance of evidence almost un rebutted by the other side that Ali Mohammed Mia was a permanent miner of Selected Fatka Colliery and as such he was admitted to Central Hospital and thereafter transferred to Ramakrishna Mission Tuberculosis Sanatorium, Ranchi. The management was then duty bound to take him back on duty after he had recovered from his long period of illness and after giving a fitness certificate. He has stated that even if doing the work is a mine may be hazardous to his health he will have to work for the sake of his family. The manager may employ him on a lighter duty.

7. Sri Biswas did say in the letter written to the Asstt. Labour Commissioner (C) Ext. M-2 that Ali Mohammed Mia

was a casual miner from 19-2-73 to 11-4-73, but in the list Ext. M-1 there is no name of any casual miner. The job of a miner is not a job of a casual nature and I am therefore convinced that Ali Mohammed Mia was not a casual but a permanent employee working as a miner.

8. It is therefore held that the management was not justified in denying reinstatement to Ali Mohammed Mia, miner. Absence of the record and loss of it no fault of the workman and he could not be made to suffer on that account. The fact that he had reported for duty on 3-1-76 remains unrebutted as Sri Biswas stated that he did not remember anything about it. There is no effective rebuttal. Ali Mohammed Mia shall therefore be reinstated with effect from 3-1-76 (when he reported for duty) as permanent miner in the Selected Fatka Colliery with all back wages. It is for the management to give him some light work in view of the medical certificate in case the workman is ready to be contented by the emoluments of the light job it so offered by the employer.

[No. L-20012/109/76-D. III (A)]

S. N. JOHRI, Presiding Officer

**S.O. 1117**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Ena Colliery of Messrs. Bharat Coking Coal Limited, Post Office Dhansar, District Dhanbad and their workmen, which was received by the Central Government on the 9th March, 1979.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference Under Section 10(1)(d) of the Industrial Disputes Act, 1947.

**Reference No. 79 of 1977**

**PARTIES:**

Employers in relation to the management of Ena Colliery of Messrs. Bharat Coking Coal, Ltd., Post Office Dhansar, District Dhanbad.

**AND**

Their Workmen.

**APPEARANCES:**

For the Management: Shri T. P. Choudhury, Advocate.

For the Workmen: Shri N. Nag, President, Akhil Bharatiya Soshit Mazdoor Sangh.

**STATE:** Bihar.

**INDUSTRY:** Coal.

Jabalpur, dated, the 2nd March, 1979

**AWARD**

This is a reference made by the Government of India in the Ministry of Labour vide It's Order No. L-20012/67/77-DHIA, dated, 4th August, 1977, for the adjudication of the following industrial dispute:

"Whether the action of the management of Ena Colliery of Messrs. Bharat Coking Coal Limited, Post Office Dhansar, District Dhanbad in not regularising the services of Sarvashri Prabhu Beldar, Deonandan Beldar, Fulchand Beldar and Bindeshwari Bhuia as underground Trammers is justified? If not, to what relief are the said workmen entitled and from what date?"

2. It is not disputed that the concerned workmen were working as casual wagon loaders since 1971. In the period between 1975-76 they were employed to work as underground trammers. Thereafter they were again reverted back as casual wagon loaders. The management took a decision to regularise all casual workmen if they worked continuously for 240 days on surface or 190 days underground. It is not disputed that none of these workmen completed 190 days as underground

trammers in the calendar year 1975 or 1976. But if the period from 1-5-75 to 30-4-76 is reckoned as the period of one year then each one except Phulchand Beldar completed more than 190 days as underground trammer.

3. The case of the workmen is that they completed a continuous span of 190 days as underground trammers in a period of 12 months between 1975 and 1976 hence they were entitled to be regularised as underground trammers.

4. The management has challenged the representative capacity of the sponsoring union in pleadings but did not press it at the time of arguments. It alleged that the rule evolved was that 190 days should be completed in one calendar year and not within any span of 12 months even though they fall partly in one calendar year and partly in the other. These workmen did not complete 190 days either in 1975 or in 1976 calendar year hence they could not be regularised as underground trammers.

5. The various circulars and minutes of discussions that have been filed, go to indicate that a principle of 190 days attendance in a calendar year was evolved for regularisation of casuals who were working underground. There is nothing to show as to what role the term 'calendar year' had to play in fixing such a criteria.

6. It appears that the criteria of assessment of full one year was taken so as to ensure that the work was of such a nature and quantum that the requirements continued throughout the period of the year i.e. it was not a seasonal type of work and was free from such large fluctuation which would keep the regularised labour idle for a number of days so as to result in unnecessary wastage of the wages in unproductive channels. This full one year could be any period of 12 months irrespective of the fact whether it comprised of one or two calendar years because even those 12 months would cover all the seasons and fluctuating periods of a year. There appears to be no special reason or rationality for confining those 12 months so as to commence only on the 1st January and end by 31st December of a calendar year. It is not that labour engagement season starts only on 1st January every year. The significance of 1st January in this context has no rational basis or nexus to the eligibility for regularisation. Such insistence on the calendar year is likely to be unreasonably, discriminatory and inequitable in many cases.

7. Suppose a workman's employment as an underground casual starts on 10th May of 1975 he is regularly employed and he completes only 182 days by the end of that calendar year. He will not be entitled to the benefit of regularisation even if, without a break he further continues to remain in casual employment for another 182 days in the following calendar year. Thus, though in fact he will remain in continuous employment for a total period of 364 days yet his case will be ignored simply because the period is divided between two calendar years in each of which his attendance falls short by 8 days for the required eligibility. As against that the one who starts his employment from 1st May, 1975 and completes 190 days in that very calendar year will earn the eligibility for regularisation. That even Section 25B of the Industrial Disputes Act, which defines continuous service, has laid down no such artificial restriction of a calendar year. It speaks of only 12 calendar months whether they are completed within a span of one calendar year or two.

8. Such a formula of calendar year besides being unreasonably discriminatory and inequitable would in effect further introduce an artificial break in the length and continuity of service on account of mere change of the calendar year resulting in the dissolution of the past service of the last calendar year for no valid reasons and excluding it for computation for the purposes of eligibility for regularisation. A formula which contains an element of such an artificial break cannot but be discarded on the principles on which unfair labour practice is decried in industrial adjudication.

9. I am, therefore, of the view that the real criteria for regularisation should be the completion of 190 days attendance by an underground casual during the course of any period of 12 months irrespective of the fact whether that period falls in one calendar year or is divided between the two.

10. The distinction between the approach and powers of Industrial Tribunal and a Court of law lies in the fact that

whereas a Court of law is bound by an existing contract, terms of which are enacted by the parties irrespective of the fact whether they are reasonable or not, the industrial adjudication is not such a helpless spectator and is not bound by such fitters as was observed by the Supreme Court in *Rohas Industries Vs. Brijnandan Pandey* (4 SCLJ 2869) a tribunal may create new obligation or modify the contracts in the interest of industrial peace, protection of trade union activities or prevent unfair labour practice or victimisation. This Tribunal has therefore jurisdiction to interfere with the formula so prepared by the B.C.C.L. management for regularisation of labour. In the interest of industrial peace, on grounds of rationality and with a view to prevent a sort of unfair labour practice to be introduced under the cover of that formula as well as for preventing unreasonable discrimination, I am inclined to hold that the formula should be deemed amended to the extent of its insistence on calendar year and any underground casual labourer just as these underground trammers are, if he completes a period of 190 days continuous employment within a span of 12 months, would become eligible for regularisation. On these principles Shri Prabhu Beldar, Deonandan Beldar and Bindeshwari Bhuia had become eligible for regularisation on completion of 190 days of continuous employment as underground trammers from 1-5-1975 to 30th April, 1976. Shri Fulchand Beldar did not complete the required number of days even during that period and he was, therefore, not entitled to regularisation. The aforesaid three trammers shall therefore be deemed to have been regularised on 1-5-1976 and shall be paid all consequential benefits arising therefrom. The award is given accordingly.

S. N. JOHRI, Presiding Officer

[No. L-20012/67/77-D.III(A)]

New Delhi, the 16th March, 1979

**S.O. 1118.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of East Bhuggatdih Colliery of Messrs. Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad and their workmen, which was received by the Central Government on the 12th March 1979.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of a reference under Section 10(1)(d) of the

Industrial Disputes Act, 1947

Reference No. 25 of 1978

**PARTIES :**

Employers in relation to the management of East Bhuggatdih Colliery of M/s. Bharat Coking Coal Limited, Post Office Jharia, Distt. Dhanbad.

AND

Their Workmen,

**APPEARANCES :**

For the Management: Shri T. P. Choudhury, Advocate.

For the Workmen: Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh.

STATE : Bihar.

INDUSTRY : Coal

Jabalpur, dated, 5th March, 1979

**AWARD**

This is a reference made by the Government of India in the Ministry of Labour, vide its Order No. L-20012/80/78-DIII(A) dated 7-9-1978, for the adjudication of the following industrial dispute :

"Whether the demand of the workmen of East Bhuggatdih Colliery of Messrs. Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad, for payment of wages to Shri M.C. Khalil, Haulage Engine Khalasi and Shri Poona Rawani, Electric Mistry, for the period from 1-12-74 to 3-8-75 is justified? If so, to what relief are the said workmen entitled?"

2. It is not disputed that both the workmen were superannuated and retired by the management on 30-11-74. On their representations their cases were referred to Medical Board which certified them fit for work and further said that they had not attained the age of 60 years. Hence they were taken back in service on 4-8-75 without giving wages for the period from 1-12-74 to 3-8-75.

3. The case of the workmen is that they were the employees of the erstwhile owners since before nationalisation. Their, then obtaining, service conditions did not prescribe any age of superannuation hence they could not be made to retire on attaining the age of 60 years. Secondly their age was not correctly recorded in the Provident Fund registers. Form B registers had been seized hence the management had no access to them. According to the age recorded in the Provident Fund registers they should have retired much earlier. When this fact came to the notice of the management they noticed the workmen and retired them on 1-12-74. The management has pleaded it's bona fides.

4. The case of the workmen is that their correct age was recorded in Form B register which was in the custody of the management. The management left the age column blank in the identity cards which they issued in 1973 nor they invited any declarations from the workmen about their date of birth or age. Fault squarely lay upon the management. The workers were ready and willing to work but they were in fact prevented by the management from working. They claim full wages for the period.

5. The question, as to what is or what should be the age of superannuation, is not before this Tribunal nor either party has alleged that the age of superannuation expired on any date between 1-12-74 to 3-8-75. It is admitted that it was the management which retired them on 1-12-74. Medical report was favourable to the workmen and consequently the management reinstated them on 4-8-75. Irrespective of the bona fides or otherwise it was thus the act of the management which kept them idle between these dates. On this count the management is bound to pay full wages to them specially when they were allowed all other benefits of the past service including its continuity. There is no logic or equity in the decision of the management is not paying the wages. The principle of no work no pay does not apply to such a situation when management kept them out of the work. It matters little whether the action was bona fide or mala fide. Wages of workmen are not dependent on mere bona fide intentions or actions of the management if they are not justifiable in law. In fact according to the age registered in Form B register they would attain the age of 60 years in the year 1985. Their superannuation in 1974 was therefore wholly unjustified.

6. The management is therefore directed to pay their full wages and allowances to the two workmen for the period under reference within two months from the date of publication of this award. It shall further pay Rs. 70 as costs to each one of them. Award is given accordingly.

S. M. JOHRI, Presiding Officer

[No. L-20012/80/78-D.III(A)]

**S.O. 1119.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Jhurkundar Project of Messrs. Bharat Coking Coal Limited, Post Office Barakar, District Burdwan and their workmen, which was received by the Central Government on the 9th March, 1979.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT NO. 1, DHANBAD (BIHAR)**

Reference No. 87 of 1977

**PARTIES :**

Employers in relation to the management of Jhurkundar Project of Messrs. Bharat Coking Coal Limited, Post Office Barakar, District Burdwan and their workman, Shri Matai Yadav, C/o Shri B. N. Mishra, Advocate, Dhanbad Court, P.O. and District Dhanbad (Bihar).

## APPEARANCES :

For Workman : Shri D. Mukherjee, Advocate.

For Management : Shri T. P. Choudhury, Advocate.

INDUSTRY : Coal.

DISTRICT : Burdwan (Bihary.

Burdwan, the March 3, 1979

## AWARD

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-20012/90/77-D.III(A), dated 19th October, 1977, for the adjudication of the following industrial dispute :—

"Whether the action of the management of Jhurkunda Project of Messrs. Bharat Coking Coal Limited, Post Office Barakar, District Burdwan in dismissing the services of Shri Matai Yadav, Night Guard, with effect from 25th September, 1976 is justified? If not, to what relief is the said workman entitled?"

2. Shri Matai Yadav who had come on transfer from Sitanala Colliery hardly two days ago to Jhurkunda Project where he was working as a Night Guard, was arrested by the police on 3-7-1976 on a charge of high way robbery and recovery of stolen property etc. which occurrence is alleged to have taken place in the night between 2nd/3rd July, 1976 at Barakar, Police Station Kulti, West Bengal, at about 9.15 p.m. by some unknown persons. The adjoining town where he was arrested is known as Dahibar Colliery Railway Siding in Police Station Chirkunda in district Dhanbad. It is further not disputed that in the night between 2nd and 3rd July, 1976 Shri Matai Yadav was supposed to be on duty from 4 p.m. to 0 hours in the mid night. When the management received the information about the arrest of Shri Matai Yadav on such a serious charge of highway robbery and recovery of stolen property by Chirkunda Police, Shri R. N. Singh, D.I.G., who was the Chief Security Officer, straight way dismissed him from service without holding any domestic enquiry and without awaiting for the result of the criminal case which had been registered against him. By order dated 11th August, 1978 it was held that the plea of the management that it was a case of discharge simpliciter even when the order clearly mentioned that he was dismissed from service, was not tenable in law and the order of dismissal could not be passed without a proper domestic enquiry. A chance was therefore given to the parties to produce evidence on merit before this Tribunal. Accordingly the parties adduced evidence.

3. The case of the concerned workman is that since he had recently come on transfer from Sitanala Colliery no residential quarter was allotted to him by the Company. On the night between 2nd and 3rd July, 1976 after his duty hours, when he was returning from his friend's house where he had gone for his dinner, he was arrested by the police. No charge was framed against him that he had absented himself from duty that night.

4. The case of the management is that one Shri Ramlakhan Sao, a business man, got down at Barakar Railway Station by Coal fields Express, on 2-7-1976. He had come from Ranee-gunj where he had collected money and he was carrying with him a sum of Rs. 2,882 in the shape of currency notes of different denominations. At about 9.15 p.m. four persons, not known to him, surrounded him, gave lathi blows and snatched away his bag containing the money. He lodged F.I.R. at Kulti Police Station. Kulti Police got some clues and that very night it raided the house of Kamta Singh Yadav at Dahibar Colliery Railway Siding with the help of Chirkunda police under whose jurisdiction that area fell. Entire money was recovered intact and some unlicensed cartridges of gun were also found by the police in that house where amongsts three others Shri Matai Yadav was also found. The door of the house was found closed when the police raided it. As a consequence of being involved in such a heinous crime involving moral turpitude the management lost faith and trust on Shri Matai Yadav and therefore the D.I.G. and Chief Security Officer, Shri R. N. Singh, who was competent authority with respect to the night guards, terminated his service with immediate effect from 25-9-1976.

5. The management, for the reasons best known to it, did not examine Shri R. N. Singh, Chief Security Officer, who had passed the order nor it produced the Attendance Register

of the night guards which could have shown whether Shri Matai Yadav was or was not in fact on duty from 4 p.m. to 0 hours in the night between 2nd and 3rd July, 1976. The management has further not examined any witness to prove that Shri Matai Yadav any time during his duty hours was found absent from duty. The victim of the robbery Shri Ramlakhan Sao did not state in the F.I.R., which he had lodged at Kulti Police Station, that he had identified any of the robbers nor any evidence has been produced before me to prove that any test of identification parade was arranged by the police or before any Magistrate, nor there is evidence that in any such parade or even otherwise Shri Ramlakhan Sao identified Shri Matai Yadav as one of those four robbers who had robbed him of the money. Thus there is absolutely no evidence on record about his direct involvement in the alleged robbery. Normally he must be performing his duty as a Night Guard at 9.15 p.m. at Jhurkunda when the robbery took place a few kilometers away at Barakar. The management examined Shri Ramdao Mahato, a Police Officer of Chirkunda Police Station, who has stated as to how the recovery took place because he was present in the raid. One of the circumstances stated by him is that the raiding party reached the house of Shri Kamta Singh Yadav at about 1 a.m. on 3rd July, 1976 but the inmates of the room did not open it for about an hour. From this evidence a sort of inference of criminal intention or knowledge is sought to be raised against the persons who were found in the house. According to him the currency notes were recovered from a box from which the cartridges were also recovered. If the inmates had come to know that police was knocking the door and they took a period of about one hour in opening the same, they had enough time to properly dispose of the amount. They could have thrown away or burnt down the currency notes. The house has windows as well. But strangely enough nothing was done and the currency notes remained in a box for being easily recovered by the police. It sounds very peculiar. In the other part of the evidence Shri Ramdao Mahto, M.W. 1 has stated that Shri Matai Yadav was also found in the same room where the box was lying from which the money was recovered. If Shri Matai Yadav had not participated in the robbery as discussed above how was he likely to know the existence of the currency notes in the box which was lying closed in that very room. Knowledge of the presence of the stolen property in the room cannot therefore be imputed on him. The house was admittedly of Shri Kamta Singh Yadav and according to the law he could be the only person against whom a presumption of the possession could be raised because the money was naturally found in the box belong to him. How could the possession of those currency notes be imputed upon Shri Matai Yadav? So is the case with the unlicensed cartridges of the gun which were also found lying in the same box. Thus so far as Shri Matai Yadav is concerned there is nothing more than mere suspicion against him on account of his presence in that house from where the recovery was made. His story that no quarter had been allotted to him and therefore he had gone there to take meals is not inconsistent with the facts that had come on record through the evidence adduced by the management. If they were taking their meals it was natural for them to take sometime to finish it had clean the place before opening the door for the police to enter. Therefore the alleged possibly exaggerated delay in opening the door is also not inconsistent with the innocence of Shri Matai Yadav. I am, therefore, of the view that the involvement of Shri Matai Yadav in the alleged incident of robbery or recovery of the stolen property from the house of Shri Kamta Singh Yadav of Dahibar Colliery Railway Siding is not established at all.

6. It is true that according to the view propounded in Richardson vs. City of Bradford Metropolitan Council (1973) IRLR 296 (See Law of unfair Dismissals by Steven D. Anderman 1978 edition page 111) a criminal act committed outside the scope of employment may be sufficient ground to justify dismissal but it should be an act proved by cogent evidence not a mere suspicion. The code of Practice on Disciplinary Practice and procedure in England clearly suggests that—

"Employees should not be dismissed solely because a charge against them is pending or because they are absent through having been remanded in custody."

(See Law of unfair Dismissal page 111 ibid).

The law is not very different in India as well. As such outright dismissal without domestic enquiry was wholly in-



justified. And now when the enquiry has been held the balloon of suspicion stands pricked to collapse.

7. It is again true that the post of a night guard does require a clean character and the management is required to repose faith on such a person, but mere allegation or mere remote suspicion of the mere association of such a man with the persons who have been arrested on a charge of robbery and recovery of stolen property specially when he was a new man to the place and had no quarter to live and no place to take meals and had allegedly gone there being invited for a dinner by Shri Kamta Singh Yadav, could not be a sufficient ground for loss of confidence, more so when the alleged acts and associations were not connected with the employment and were allegedly done outside the scope of service and place of his employment. The plea of loss of confidence should have some substantial background and the evidence should not be of the type of 'touch me not' plant which blushes as soon as a finger is pointed towards it. It was observed by the Supreme Court in *L. Michael vs. M/s. Johnsons Pumps India Ltd.* 1975 SCLJ 482(492) that loss of confidence must rest on some tangible basis and the suspicion of the employer should not be a mere whim and fancy. Relying merely on unproved charges and allegations for an act in which the industry was not involved, an act which was not committed in the course of employment, only amounted to acting on whim and fancy.

8. Moreover there is nothing on record to prove that the Chief Security Officer had the powers to pass the dismissal order. Considering all these facts it is held that the dismissal was not justified. Shri Mataj Yadav shall therefore be reinstated as Night Guard with all back wages.

Award is given accordingly.

S. N. JOHRI, Presiding Officer

[No. L-20012/90/77-D.III(A)]

S. H. S. IYER, Desk Officer

नई दिल्ली, 21 मार्च, 1979

क्र० आ० 1120.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोक हित में ऐसा काना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ब) के उपखण्ड (6) के उपबन्धों के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० आ० 2901 तारीख 16 सितम्बर, 1978 द्वारा तांबा खनन अधिनियम के प्रयोजनों के लिए 1 प्रस्तूबर 1978 से छः मास की काला-विधि के लिए लोक उपयोगी सेवा घोषित किया था, और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालाविधि को छः मास की और काला-विधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ब) के उपखण्ड (6) के परन्तुक द्वारा प्रवक्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 1 अप्रैल, 1979 से छः मास की और काला-विधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[सं० एस० 11017/4/78/डी 1(ए)]

एल० के० नारायण, डेस्क अधिकारी

New Delhi, the 21st March, 1979

S.O. 1120.—Whereas the Central Government having been satisfied that the public interest so required, had in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 2901 dated the 16th September, 1978 the Copper Mining Industry to be a public utility service for the purposes of the said Act, for a period of six months from the 1st October, 1978 ;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby declares the industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 1st April, 1979.

[No. S. 11017/4/78/DI(A)]

L. K. NARAYANAN, Desk Officer

New Delhi, the 22nd March, 1979

S.O. 1121.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Jabalpur in the industrial dispute between the employers in relation to the management of the Bank Note Press, Dewas and their workmen, which was received by the Central Government on the 21st March, 1979.

BEFORE SHRI S. N. JOHRI, B.Sc., LL.M., PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)  
Case Ref. No. CGIT/LC(R)(24)/1978

#### PARTIES

Employers in relation to the management of Bank Note Press, Dewas and their workmen represented through the Bank Note Press Karamchhari Sangh, Dewas (M.P.).

#### APPEARANCES

For Union—Shri Gulab Gupta, Advocate.

For Management—Shri P.S. Nair, Advocate.

Industry : Note Press—District : Dewas (M.P.).

#### AWARD

This is reference made by the Government of India in the Ministry of Labour vide its Order No. L-42012(3)/77-DII(B) dated 1st May, 1978 for the adjudication of the following industrial dispute :

"Whether the action of the management of Bank Note Press, Dewas in not promoting Shri Ajai Singh to the post of Store Keeper is justified ? If not, to what relief is the said workman entitled ?"

2. The undisputed facts of the case may be summarised as follows :

Bank Note Press situated at Dewas, District Dewas, Madhya Pradesh, is a departmental undertaking of the Ministry of Finance, Government of India, which has been declared as a public utility Concern and an industry within the meaning of Industrial Disputes Act, 1947. There were three posts of Store-keepers in the Press. The President of India vide G.S.R. 131 dated 1-12-1975 of the Ministry of Finance, Department of Economic Affairs, published in Part II Sec. 2(i) of the Gazette of India dated 31st January 1976 page 204 at page 209, Serial No. 17, laid down that the post of the Store Keeper shall be General (Central Service Class III Non-gazetted Non-ministerial) post carrying a scale of Rs. 550-25-750-EB-30-900 for which selection shall be made by promotion failing which it shall be made by direct recruitment. Following two classes of employees shall be eligible for being considered by the D.P.C. for promotion to that post.

(i) Assistant Store Keeper with 4 years experience failing which :

(ii) Person with 6 years regular service in the grade of U.D.C. and above with at least 2 years experience in the Store keeping.

3. There was no incumbent falling in the Category (i) of eligibility for any of the three posts Post No. (1) was given to an admittedly senior man over which there is no dispute. The question of promotion to post no. (2) was considered by the D.P.C. held on 22nd May 1975. Shri T. Sudershan Ram was already working on it on adhoc basis. He was found suitable and was allowed to further continue on adhoc basis on that post. The question of his eligibility for regular promotion was postponed to the next D.P.C. The name of Shri Ajai Singh was considered for the post

no. (3). He was found suitable for promotion but by that time he had not qualified for eligibility of Clause (ii) because though he had worked as U.D.C. for a total period of 10 years at Security Press Nasik and then at Bank Note Press Dewas, he was working as Assistant Store Keeper only since 2-11-1973 and there was still a time of about 6 months for him to complete the required experience of 2 years as Assistant Store Keeper. The Committee therefore agreed to keep him on the panel for being promoted on completion of 2 years experience (on 2-11-1975).

4. On 2-11-1975 only Shri Ajai Singh became fully qualified for being promoted as Store Keeper. Shri T. S. Sudershanram, who was admittedly senior to Shri Ajai Singh in the total length of service and also as U.D.C. and who was a Dy. Accountant since 15-5-1970 in the scale of Rs. 425—640, which scale was better than the scale of U.D.C., had been working as Store Keeper on Adhoc basis since 19-4-74. He had also not acquired the qualification of the required 2 years experience in the Stores on 2-11-1975 for being absorbed regularly. However in spite of the fact that the D.P.C. of 1975 had kept Ajai Singh on approved panel for being promoted on acquiring the requisite experience he was not promoted on 2-11-1975, in spite of the fact that the authority to promote i.e. General Manager, was a party to that decision. Shri Sudershan Ram continued to work on post no. (2) on ad hoc basis. He was thereafter absorbed in that post on 19-4-1976 on the recommendation of new D.P.C. when he became fully qualified on earning the experience of 2 years in Stores Department.

5. Shri Ajai Singh came to be involved in a domestic enquiry on a charge of using abusive language and dereliction of duty. He was placed under suspension on 27-12-1975 which order was ultimately revoked on 23-1-1976 and the enquiry ended with a 'warning' given to him.

6. The third post was declared as reserved post subsequently. Shri Ajai Singh, not belonging to the reserved category could not be considered for that post and as no candidate from the reserved category was available, the post was down graded and a reserved class candidate was appointed to work as Assistant Store Keeper on that post on adhoc basis for giving him opportunity to earn the necessary experience for coming under the eligibility clause.

7. In June 1975 Emergency was declared. Bank Note Press Karmchari Sangh of which Shri Ajai Singh was the working President, was previously a recognised Union, but it lost its recognition during emergency. Shri R. K. Kapoor, General Secretary of the Union was suspended and repatriated to Aligarh. Shri P. C. Joshi Union Vice President was reverted. Ajai Singh was placed under suspension as said above and the Union was restrained from using the premises of the Bank (the leased area) for carrying out the trade union activities. All these facts are undisputed.

8. The case of the workman is that the aforesaid tirade of the management on the Union's office bearers and workmen was quite vindictive and was a part of the policy of victimisation for legitimate trade union activities. It was in that process that Shri Ajai Singh was not promoted and the favours of the South Indian Officers fell on Shri T. S. Sudershan Ram who was not in the line of promotion for the post of Store Keeper. Further with a view to deprive Shri Ajai Singh of yet another opportunity for promotion that third post was declared as reserved and was thereafter down graded. His suspension was subsequent to the date when he was to be appointed as Store Keeper as per recommendation of 1975 D.P.C. and the warning given in 1976 could not therefore come in the way of his promotion on 2-11-1975.

9. Management's case is that the recognition to the union was initially given for 2 years. Subsequently the union lost the representative capacity and therefore its recognition lapsed. It could not be recognised till it completed the necessary formalities of proving its representative character. That is why the facility to hold meetings, within the premises of the Press, was withdrawn. The alleged cases were not the cases of victimisation but they arose out of the incidents of indiscipline.

10. D.P.C. of 1975 could not make a prospective recommendation about Shri Ajai Singh. Moreover in the meanwhile he was suspended and charge-sheeted hence his case

for promotion with effect from 2-11-1975 was not considered. Shri T. S. Sudershan Ram was senior to him. He was already holding a senior grade post. Moreover on adhoc basis he was already working as Store Keeper while on ad hoc basis Shri Ajai Singh was working as Asstt. Store Keeper, hence as against Shri Ajai Singh, Shri T. S. Sudershan Ram had a better claim and he was rightly absorbed & regularised.

11. The third post was declared as reserved in pursuance of the policy of Government of India and in deference to the demand made by the Scheduled Castes and Scheduled Tribes representative organisations. Shri Ajai Singh could not be considered against the same and as no suitably qualified man from reserved category was available it had to be down graded for which the powers vested in the management. The alleged imputed motives of victimisation have been denied.

12. Besides the management has challenged the validity of the reference on the ground that it was an individual dispute which never attained the status of industrial dispute. The Union was no representative Union. It never passed any resolution in a properly conducted meeting and as such the dispute was not properly sponsored. The conciliation proceedings were illegal. The dispute was subsequently withdrawn unconditionally and Shri Ajai Singh himself was a signatory to it. Bank Note Press was not an industry. The Press discharges legal functions hence this Tribunal had no jurisdiction. Shri Ajai Singh was not a workman as he was holding a supervisory post and was drawing more than Rs. 500 per month.

13. Vide F. No. 139-CA. III/75 and F. No. 207-Ac/75, C. S. No. 302 dated 2-1-1976 Bank Note Press, Dewas has been notified at item No. 31 as a commercial undertaking of the Ministry of Finance, Department of Economic Affairs. Ex. M/20 filed by the Management, indicates that it was declared as a Public Utility Service within the meaning of Sub-clause (vi) of Clause (21) of S. 2 of the Industrial Disputes Act. That is why a question about validity of conciliation proceedings without a notice under Sec. 22 of the Industrial Disputes Act. That is why a question about validity of conciliation proceedings without a notice under Sec. 22 of the Industrial Disputes Act was posed by the General Manager and was answered by the Deputy Legal Adviser of the Ministry of Law, Justice & Company Affairs. Its sister concerns India Govt. Mints, India Security Press Nasik, and Security Paper Mill, Hushangabad have already been included in the First Schedule of I.D. Act at Serial Nos. 11, 12 and 21st. I could not lay hand on such notification in respect of Bank Note Press, Dewas, still it cannot be treated differently when the services of the employees are transferable from one establishment to the other. The present workman Shri Ajai Singh himself came to Dewas from Security Press Nasik. The Press prints currency notes for the Reserve Bank of India and deals in the ink. Printing Notes for Reserve Bank of India can by no stretch of imagination be called a Regal function. The management of the Bank recognised Bank Note Press Karmachari Sangh in accordance with Art. VI(12) of the Code of Discipline. This act of the management estops it from taking the plea that the establishment is not an industry. It is, therefore, held that specially in view of the law laid down by the Supreme Court in 1978 (3) SCR n. 207 which was followed by it in Swaraj Ashram Sarvodaya Nagar Kanpur Vs. Industrial Tribunal No. III Kanpur (1979 (38)FLR 100) Bank Note Press, Dewas is an industry within the meaning of S. 2(j) of the Industrial Disputes Act.

14. The objection that Shri Ajai Singh is not a workman as he holds a supervisory post, is neither substantiated by evidence nor pressed before me in arguments. He is discharging the duties of Assistant Store Keeper and his substantive post is U.D.C. Neither of the two is a supervisory post. The plea is therefore discarded summarily.

15. Now the next question is whether the dispute so raised about the promotion of Shri Ajai Singh was an industrial dispute, because basically it is his individual dispute. However an individual dispute becomes an industrial dispute when the same is ?

(i) raised by a Union ; or

(ii) raised by a substantial number of workmen.

The management has not denied the existence of this



sponsoring union in the industry. It has admitted that this union of the establishment. Its recognition however expired union of the establishment. Its recognition however expired by lapse of time and then it was not renewed for want of verification etc. Merely saying that it lost its representative character is not sufficient to nullify its sponsoring capability. The burden was upon the management to prove by membership record etc. that it has lost its representative character. It has failed to discharge that burden. In *Workmen Vs. Rohtak General Transport Co.* (3 SCLJ 1974) it was held that :

"It is now well settled that it is open to a minority Union.....to raise an industrial dispute."

There is no evidence that this Union was reduced to such a negligible minority as to have lost the representative character altogether. In *News Papers Ltd. Vs. State Industrial Tribunal* [1960-II-LJ 37 (38)] Supreme Court held that recognition or registration of the trade union was not a condition precedent for making it capable of sponsoring an industrial dispute. When this point was not raised before the conciliation officer who acted on such sponsoring and who is more likely to be conversant with the representative character of the Union, it can safely be presumed that the Union had the representative character. As was held in *Hindustan Times Ltd. Vs. Chief Commissioner, Delhi* [1957-II-LJ 466 (470)] Punjab the burden was upon the management to disprove that character and status of the Union and as said above it has failed to discharge it. It is therefore held that the Union which sponsored the dispute was a representative union which could validly sponsor the same.

16. The management has however challenged the validity of the move to sponsor the dispute on the ground that it was not a validly convened meeting in which resolution to sponsor the dispute was passed, in as much as notice of that meeting was not given to some of the members who later on wrote a letter Annexure D (filed by the management). Union's case is that they had been expelled from the Union. Management tried to repel this fact by filing the list of office bearers Ex. M/23 in which the names of some of them do exist. It is argued that the resolution to expel them has not been proved. All this appears to be irrelevant. The cases relating to the validity or otherwise of the meeting of the Union, which were examined by the courts in connection with the validity of elections of the office bearers etc., have no applicability to the facts of the present case. A resolution to sponsor a dispute as industrial dispute will not become irregular or invalid merely because some of the members were not noticed. The very character of the letter Annexure D indicates that those persons had got mixed up with the management and this cannot but be decried in strongest terms as unfair labour practice of the management of an industry which being a departmental undertaking of the Govt. of India, should have acted as an ideal employer.

It is, therefore, held that the dispute was validly sponsored under the authority of a properly passed resolution by a majority of the members of the representative Union.

17. In any case it was a resolution passed by a substantial number of workmen of the establishment. It was held in *Rohtak General Trading Company* case cited above that even a minority of the workmen could raise a valid industrial dispute. Looked from all the angles it is clear that the individual dispute about the promotion of Shri Ajai Singh, Working President of the Union was validly converted into an industrial dispute. This plea against the validity of the reference is therefore rejected.

18. The next plea against the validity of reference is that even if it is held that the industrial dispute had been validly raised by the Union, it stood withdrawn by its letter Ex. M/4 dated 2-12-1977. The relevant portion of which at item No. 2 reads as follows :—

"The Sangh hereby unconditionally withdraws the industrial dispute filed by it on the following matters :—

- (i) Victimisation of Shri Ajai Singh, Working President of the Sangh in the matter of his promotion to the post of Store Keeper in the Press."

It is on account of this writing dated 2-12-1977 that the management says that there remained no industrial dispute in existence on 1st May, 1978 when the reference was made. This plea is again not tenable either on facts or in the eye of law for the following reasons :

The opening paragraph of the letter Ex. M/4 goes to show that the letter was written pursuant to certain discussions which were held between the Union and the management. Shri Ajai Singh (W.W. 2) stated on oath that in November, 1977 Joint Secretary of the Ministry called him for negotiations. Shri Shiv Ram, General Manager, also participated in those discussions. There he was assured by the General Manager that if the case for his promotion as Store Keeper was withdrawn, then the management would reconsider the matter and promote him as Store Keeper within 2 months. It was on this understanding that the letter Ex. M/4 mentioned that the Union withdrew that dispute unconditionally. The management had agreed to reciprocate by reducing that oral assurance into writing in its reply Ex. W/15 but after the correction of that letter Ex. W/15 in which reference to item No. 2 relating to Shri Ajai Singh's promotion was converted to item No. 3 in the matter of conceding the demands made in Ex. M-4 and consequently the reply remained silent about that matter, the Union abstained from writing to Asstt. Labour Commissioner and others for the formal withdrawal of the dispute. Even the management did not write to Asstt. Labour Commissioner and others that the dispute has already been withdrawn.

19. Shri Shiv Ram (M.W. 1) denied that he gave any such assurance. He stated that as no such assurance was given there was no question of incorporating the same in the letter Ex. W/15.

20. It is obvious from the circumstances that an officer of the rank of Shri Shiv Ram was not speaking the whole truth when he made such a statement before this Tribunal. Shri Ajai Singh himself was participating in the negotiations as working President of the Union. It does not stand to reason that he would himself sign the death warrant of the very dispute in which he personally was so vitally interested and that too without any assurance that the management would at least reconsider the matter. Yet Shri Shiv Ram (M.W. 1) says that the talks terminated successfully and they then went to Shri Sharad Yadav, MP who is the President of the Union. A similar denial about any assurance has been made by Shri L. K. Malhotra, Under Secretary to the Finance Ministry before whom the discussions were arranged. But he stated that parties including Shri Ajai Singh were fully satisfied after discussion and were jubilant on the successful termination of the talks. It was in that jubilant mood that they went to Shri Sharad Yadav's place and reported the fact to him. He was also satisfied. I fail to understand the statement that Shri Ajai Singh was not only satisfied but was jubilant as well, on the decision that he was to withdraw his own case unconditionally and Shri Sharad Yadav M.P. President of the Union was also satisfied on hearing that the working President of his Union would stand to lose all the ground from under his feet. Thus the language and tenor of the letter Ex. M/4 about unconditional withdrawal of the dispute with no oral assurance in the discussion appears to be wholly divorced to reason and the manner in which the negotiations are said to have terminated successfully. I am not inclined to believe management's witnesses on this point.

21. In any case Ex. M/4 is only a letter written by the Union that the Sangh, 'hereby unconditionally withdraws the dispute'. It alone did not and could not amount to an agreement or settlement. The letter Ex. W/15 remained silent about this item No. 2 of Ex. M/4 as said above. The explanation that item No. 2 was not a demand, hence there arose no question of conceding to it in the letter Ex. W/15 may be plausible yet there is no evidence that all other demands of the Union were conceded only because the Sangh agreed to withdraw this dispute unconditionally. The management did not concede to the demand of recognition of the Union made in item No. 14 and left it to the management at local level to pursue the matter. By acceptance through the letter Ex. W/15, all the other demands made in Ex. M/4, the parties may be deemed to have entered into an agreement with respect to them but no such agreement can be presumed even by implication with respect to this unilateral

withdrawal which forms part of item No. 2 of letter Ex. M/4. Thus in spite of the use of the word 'hereby' this withdrawal remained only a unilateral assurance to withdraw the dispute and did not amount to factual and complete withdrawal of the same. Once a dispute is validly raised, it can be withdrawn only by a settlement. Merely writing to the management, that the dispute is hereby withdrawn, is not sufficient to kill the dispute before the reference is made so as to make it invalid.

22. Moreover such unconditional withdrawal of an industrial dispute, if not made in the shadow of some oral assurance, was most unreasonable and indicative of pressure under which it was made. This Tribunal has jurisdiction to discard a settlement if it is unreasonable. As such it has also the power to treat such unreasonable withdrawal as nugatory and ineffective being brought about by the management under the influence of its superior bargaining power.

23. The argument that since the dispute is to be raised with the management so it can as well be withdrawn by writing a letter to it, has no legislative approval. Knowingly the legislature never enacted any provision for the unilateral withdrawal of the dispute and that too by way of an unconditional surrender. Once the dispute comes into existence it can end either by adjudication, arbitration or by a settlement. Even the adjudication can be in terms of the settlement if that is reasonable. The legislature in its own wisdom was well aware of the fact of the strong position of the management, and in the present case the financial strength has been super-enforced by the Governmental power, the management can always secure unilateral withdrawal or total surrender of the workman who has comparatively weaker bargaining power. No labour legislation of any developed or developing country has given a seal of sanction to such unilateral withdrawals of the dispute envisaging total surrender to the managerial power and leaving it to their sweetwill whether at all to even reconsider the matter or not. Principles of Contract Act or Estoppel do not apply to such a situation in case of industrial adjudication.

24. Contrary to the assurance given in the letter Ex. M/4 that the Union shall inform Asstt. Labour Commissioner and other authorities about such withdrawal, the Union did not do so nor the management on its own, gave any such information to the authorities. This conduct of both the parties further goes to show that after the receipt of the reply Ex. W/15 in which the desire assurance about Shri Ajai Singh's promotion was not incorporated in writing, the parties fell out on this point and the dispute again came into existence in case the dispute is deemed to have ended with the said unconditional withdrawal. I am, therefore, inclined to hold that the reference was not invalidated by the alleged withdrawal.

25. On merits Shri Ajai Singh was empanelled for promotion by the D.P.C. of May, 1975 with a future date when he would complete two years requisite experience. The question is whether this empanelment gave him a right of being promoted and whether on 2-11-1975 when he completed the qualification of two years' experience necessary for eligibility for promotion, he stood inso facto promoted or acquired a right of promotion from that date.

26. The question about the effect empanelment directly came up for consideration before the Supreme Court in *N. M. Siddique Vs. Union of India* (1977 SCIT 299). The Supreme Court held that :

"The mere circumstance that the appellant was not on a panel for promotion does not mean that he would have been automatically promoted to the higher post. Being empanelled for promotion confers upon a person concerned limited right of being considered for promotion, which is another way of saying that person who are on the panel framed for promotion to a higher post are at the given moment considered eligible for promotion."

Thus the empanelment in the present case gave Shri Ajai Singh a limited right of being considered for promotion on or after 2-11-1975 when he completed two years experience and became eligible for being so considered for promotion. This empanelment did not mean that on

2-11-1975 he stood automatically promoted or he acquired any right of promotion. While the management had yet to take a decision about his actual promotion after 2-11-1975 Shri Ajai Singh suffered suspension on a charge of dereliction of duty etc. which on his admission of charges vide Ex. W/12, ultimately resulted in the giving of a formal warning to him in writing on 18-2-1976 (Ex. M/15). In the above case of Shri Siddique the Supreme Court held that 'event subsequent to the formation of the panel may render any person, who is included in the panel unfit for promotion'. In the present case suspension and formal warning was an event subsequent to empanelment and therefore it rightly made the management abstain its hand in the matter of giving promotion to him.

27. According to the Brochure on Central Civil Services (Classification Control and Appeal) Rules, 1965 (Revised upto 31st December, 1973) the informal warning cannot be equated with formal censure (page 24 of the Book) yet in the present case a formal warning was given vide Ex. M/15. In the Office Memo No. 22011/2/78-Estt. (A) Dated : 16th February, 1979 from the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) endorsed to all Ministries, it has been laid in sub-para (iv) that recordable warning issued after disciplinary proceedings should be treated as if the officer has been censured. This Office Memo has been given retrospective effect in all cases where the matter of promotion is still pending for consideration. The Brochure further goes to say at page 29 that 'while, therefore, the act of the imposition of such a penalty (penalty of censure) does not by itself debar the government servant concerned from being considered for promotion, it is also taken into account by the Departmental Promotion Committee, or the competent authority, as the case may be, in overall assessment of his service record for judging his suitability or otherwise for promotion'. That is why in the recent Memo dated 16th February, 1979 mentioned above in sub-para (iii) it has been said that even where the recommendation of the D.P.C. has been kept in the sealed cover for the pendency of departmental proceedings where a penalty of censure had been given at the termination of those proceedings, 'the case of the employee concerned for promotion may be considered by the next D.P.C. when it meets after the conclusion of the departmental proceedings. "Thus at best Shri Ajai Singh's case could be kept for being considered by the next D.P.C. Thus the management's decision to await the next D.P.C. and not to give effect to the recommendations of May, 1975 D.P.C. was consistent with the rules and Government instructions on the subject.

28. It is mentioned in the opening paragraph at page 24 of the Brochure that such warning may also effect the assessment of his merit and suitability for promotion. At least after that warning the General Manager was justified in postponing the matter of his promotion for the consideration of the next D.P.C. as said above which was going to be shortly held in the month of August, 1976 itself.

29. When Shri T. Sudershan Ram acquired the necessary experience of two years on 19-4-1976 his posting was regularised on the post No. (2) of Storekeeper which he was already holding on ad hoc basis. Shri T. Sudershan Ram was in all respects senior to Shri Ajai Singh in the overall service as well as in the grade of U.D.C. In fact, he had been promoted to a still higher scale of pay as Deputy Accountant on 15-5-1970. Thus on acquiring the necessary experience on 19-4-1976 he, as a senior and as a person holding a post in higher scale, was necessarily to be first considered for promotion as Storekeeper as compared to Shri Ajai Singh. The rules for promotion clearly mention that persons having six years regular service in the grade of U.D.C. and above with at least two years experience in storekeeping became eligible for selection to the post of Storekeeper. Thus a person holding a post which carried a higher grade than the post of U.D.C. could as well be considered for promotion as Storekeeper. The scale of U.D.C. was Rs. 330-560 which Shri Ajai Singh was holding while the scale of Deputy Accountant Rs. 425-640 which Shri T. Sudershan Ram was holding when he was regularised on 19-4-1976. More over Shri Sudershan Ram was already holding the post of Storekeeper while Shri Ajai Singh was holding the post of Asstt. Store Keeper though both were on ad hoc basis. In view of

that also Shri Ajai Singh could not be given preference over Shri T. Sudershan Ram in the next D.P.C. Thus Shri Ajai Singh again missed the train due to the lapse of time on account of the aforesaid circumstances.

30. When the third D.P.C. met in August 1976 it is said the case of promotion of Shri Ajai Singh was not considered because the post was declared as reserved for scheduled castes and scheduled tribes. It is not alleged that his case could not be considered because of the punishment of warning which had been given to him in February 18, 1976. That mild punishment according to Government orders could not come in the way of considering him for promotion which required his overall assessment for selection. I need not go into that aspect of the matter as that is not the case of the management.

31. So far as reservation aspect is concerned Art. 16(4) of the Constitution requires that such reservation could be made only by the Government of India under a Presidential Order unless it is shown that powers in this respect were delegated to any subordinate authority. The Presidential order dated 1st December, 1975 published at page 204 of Section 3(i) of Part II of the Gazette of India dated 31st January, 1976, which created the three posts of Store Keepers at Serial No. 17 did not order any reservation for the scheduled castes or scheduled tribes perhaps because the cadre was too small. No subsequent order of reservation of the third post of Store Keeper at Bank Note Press, Dewas, has been produced before me. Shri L. K. Malhotra, Under Secretary or D.P.C. or the General Manager were not competent to do so.

32. Secondly the pre-requisite for the exercise of such power was inadequacy of the representation of such classes in the service of the State and not simply in the particular service as was held in Triloki Nath Vs. State of J & K (AIR 1967 SC 1283 (1286)). There is no evidence that such condition was satisfied.

33. Thirdly as was held in the aforesaid case of Triloki Nath a vague direction to the Secretaries to select candidates, 'having in view the policy of adequate representation of such elements as were not adequately represented in the State' was not a provision reserving appointments or posts in favour of backward classes, so in the present case vague directions given to Shri L. K. Malhotra to look to the interest of the scheduled castes etc. in the matter of their proper representation was not an order of reservation of the post.

34. Fourthly it is the law settled by M. R. Balaji Vs. State of Mysore (AIR 1963 SC 649) that the unreasonable excessive or extravagant reservation, i.e., a reservation of more than 50 per cent of the vacancies in a year of recruitment could be struck down as fraud on the Constitution. In the present case only one post, i.e., post no. (3) was available for promotion in the year of recruitment in 1976 and to reserve it clearly meant reservation to the extent of 100 per cent. This was clearly violative of Art. 16(1) read with 16(4) and would be termed as a fraud on the Constitution. It was in deference to the law so laid down by the Supreme Court that the Government of India in the Department of Personnel issued Office Memo No. 1/4/70-Estt.(SCT) dated 11th November, 1971 to all Ministries etc. (reproduced on pages 204-205 of the Brochure on Scheduled Castes) in which it was said that :

"While reservation for Scheduled Castes/Scheduled Tribes may continue to be made by grouping of posts as provided by O.M. of 28-1-1952, care should be taken that total reservation in any of the posts/services so grouped does not exceed 50 per cent of the vacancies to be filled in a recruitment year."

35. Fifthly when the cadre is too small as in the present case para (6) of the Office Memo dated 28-1-1952 (See page 107 of the Brochure) provided for grouping of the posts which was not done in the present case.

36. Considering all these factors it is held that the post no. (3) of the Store Keeper never came to be validly reserved for Scheduled Castes/Scheduled Tribes, and the refusal of the D.P.C. to consider the claim of Shri Ajai Singh for promotion to that post was wholly unjustified and frau-

ulent manipulation of the management with a view to some how keep the Union leader away from the opportunity of being promoted, obviously because of his Trade Union activities. There can be no words strong enough to brand it as the worst type of unfair labour practice by an employer which is expected to behave ideally being a Government Department.

37. The management is therefore directed to reconsider the case of Shri Ajai Singh within three months of the publication of the award for promotion to the third post of Store Keeper dispassionately and fairly without the hang over of the past and, if found fit, he shall be selected and promoted as Store Keeper against third post with effect from August, 1976 when the D.P.C. ought to have considered him, and in that case the management shall pay him all back wages of that post. The management is further directed to pay Rs. 200 as costs to the Union. The award is given accordingly.

Dated : 13-3-1979.

S. N. JOHRI, Presiding Officer

[No. L-42012(3)/77-D.II(B)]

HARBANS BAHADUR, Desk Officer

नई दिल्ली 23 मार्च, 1979

आदेश

कां० अ० 1122—वेस्टर्न कोलफील्ड्स लिमिटेड की न्यूटन चिकली "ए" एण्ड "बी" कोलियरीज वेंच एरिया डाकघर पारासिया जिला छिन्दवाड़ा (मध्य प्रदेश) के प्रबन्ध तंत्र से संबद्ध नियोजकों और उनके कर्मचारों के बीच जिनका प्रतिनिधित्व भारतीय कोयला खदान मजदूर संघ (बी० एम० एस०) छिन्दवाड़ा करती है एक औद्योगिक विवाद विद्यमान है;

और उक्त नियोजकों और कर्मचारों से औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपबन्धों के अनुसरण में एक लिखित करार उक्त विवाद को उसमें वर्णित व्यक्ति के माध्यमस्थ के लिए निर्देशित करने का करार कर लिया है और उक्त माध्यमस्थ करार की एक प्रति केन्द्रीय सरकार को भेजी गई है;

अतः अब औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 10-क की उपधारा (3) के अनुसरण में, केन्द्रीय सरकार उक्त माध्यमस्थ करार को जो उसे 8 मार्च 1979 को मिला था; एतद्वारा प्रकाशित करती है।

(करार)

(औद्योगिक विवाद अधिनियम 1947 की धारा 10-क के (अधीन)

पक्षकारों के नाम

- नियोजकों का प्रतिनिधित्व करने वाले
1. श्री सी० बी० जैन एजेंट, न्यूटन चिकली कोलियरीज कम्पनी वेस्टर्न कोल-फील्ड्स लिमिटेड वेंच एरिया पारासिया जिला छिन्दवाड़ा (मध्य प्रदेश)
  2. श्री आर० एल० शर्मा कार्मिक प्रबन्धक वेस्टर्न कोल्फील्ड्स लिमिटेड वेंच एरिया डाकघर पारासिया जिला छिन्दवाड़ा (मध्य प्रदेश)।

यूनिटन का प्रतिनिधित्व करने वाले

1. श्री शिवधरन सिंह अध्यक्ष भारतीय कोयला खदान मजदूर संघ (बी० एम० एस०) डाकघर—बान्नापेटा जिला छिन्दवाड़ा (मध्य प्रदेश)।

पक्षकारों के बीच निम्नलिखित औद्योगिक विवाद को श्री टी० टी० टायडे, सेवा निवृत्त, उप मुख्य श्रमायुक्त (केन्द्रीय) के माध्यमस्थ के लिए निर्देशित करने का करार किया गया है।

“क्या यूनियन की 254 नैमित्तिक/बदली श्रमिकों (न्यूटन चिकली “ए” कोलियरी के 178 और न्यूटन “बी” कोलियरी के 76) जिनके नाम अनुबन्ध “क” और “ख” में दिए गए हैं को नियमित रूप से नियुक्त करने की मांग स्थायी/स्थिति है या नहीं? यदि स्थायी/स्थिति है तो वे किस अनुतोष के हकदार हैं?”

1. प्रबन्धनक्षेत्र का नाम और पता बैस्टर्न कोलफील्डस लिमिटेड पेंच एरिया, डाक घर पारासिया, जिला छिदवाड़ा (मध्य प्रदेश)।
2. श्रमिकों का प्रतिनिधित्व करने वाली यूनियन का नाम और पता भारतीय कोयला खदान मजदूर संघ (बी० एम० एस०) डाक घर चाबामेटा, जिला छिदवाड़ा (मध्य प्रदेश)।
3. अंतर्बैलित स्थापन न्यूटन चिकली “ए” और न्यूटन चिकली “बी” कोलियरी।
4. यूनियन का नाम भारतीय कोयला खदान मजदूर संघ (बी० एम० एस०)।
5. उपक्रम में नियोजित कर्मचारों की कुल संख्या 3062
6. विवाद द्वारा प्रभावित या सभाव्य प्रभावित होने वाले कर्मचारों की प्राकल्पित संख्या 254

हम यह करार भी करते हैं कि मध्यस्थ का विनिश्चय हम पर बाध्य कर होगा।

मध्यस्थ अपना पंचाट 2 मास की अवधि के भीतर या इतने और समय के भीतर, जो पक्षकार के बीच पारस्परिक लिखित करार द्वारा बढ़ाया जाए, देगा।

पक्षकारों के हस्ताक्षर

1. नियोजक का प्रतिनिधित्व करने वाले

ह०/-

(सी० बी० जैन)

ह०/-

(आर० एल० शर्मा)

2. कर्मचारों का प्रतिनिधित्व करने वाले

ह०/-

(गिजबर्न सिंह)

गार्की : ह०/- अपाद्य

ह०/- अपाद्य

तारीख : 2-3-1979

पारासिया

अनुबन्ध का

मध्यस्थ करार तारीख . . . . . का अनुबन्ध

न्यूटन चिकली “ए” कोलियरी

क्र० सं०	नाम	क्र० सं०	नाम	क्र० सं०	नाम
1.	रघुनाथ	2.	तिलकराम	3.	रमेश
4.	शोकल	5.	हीरामन	6.	लोखू
7.	बैतराम	8.	जसवन्त	9.	सुखराम
10.	दौलत	11.	गुलाब किशोरी	12.	किशन
13.	जाब	14.	सुरेश	15.	तुलसी राम
16.	फागूलाल	17.	रूप बन्ध	18.	अजयसिंह
19.	वर्मान लाल	20.	नान्ही	21.	काली राम
22.	जानशा	23.	राय लाल	24.	सलीम
25.	मानसिंह	26.	छोटे लाल	27.	एस० के० इसमियाक
28.	राम सुहावन	29.	सतीश कुमार	30.	सुखलाल
31.	मुक्तार	32.	इशकयूल्सा	33.	नगेन्द्र
34.	एस० के० हशरायल	35.	नजीर	36.	शंकरलाल
37.	हाफीज खान	38.	छेदी लाल	39.	रामवीन
40.	मारछू	41.	मोहम्मद अली	42.	रूप बन्ध
43.	भोजलाल	44.	सिद्ध गोपाल	45.	शिवचरण
46.	रामनाथ	47.	जहीर खान	48.	गुरुप्रसाद
49.	एस० के० हासिब	50.	हनीफ	51.	एस० के० जलील
52.	छेदी लाल रामबगास	53.	सोबे लाल	54.	भवेश
55.	मोहम्मद जहीर	56.	रामधनी (घोखडा)	57.	सन्तू लाल
58.	भोम प्रकाश	59.	राजुखान	60.	सुखराम
61.	कादर बैग	62.	बलराम	63.	मोगू सूद
64.	विजय कुमार	65.	सुमनलाल	66.	दुजय लाल
67.	अनवर खान	68.	बिनोद कुमार	69.	सुखदास
70.	रमेश सुपुत्र पुरान	71.	दीपक	72.	बसरु सुपुत्र तुलसी

क्र० सं०	नाम	क्र० सं०	नाम	क्र० सं०	नाम
73.	फूल सिंह	74.	ए० चाहोद	75.	हरी प्रसाद
76.	बाजारी सुपुत्र फूलशार	77.	लाखन	78.	इन्दाव
79.	धर्म चन्द	80.	गुलाब सुपुत्र तुलाराम	81.	रामदास
82.	रफीक	83.	सामुझा	84.	छिन्नी लाल
85.	तेजजू	86.	हीराचन्द	87.	साधरी लाल
88.	प्राणेश कुमार	89.	लाखन सुपुत्र सुरात	90.	शंकर सुपुत्र बिहारी
91.	माकबूल	92.	किशन लाल सुपुत्र मोहन लाल	93.	भाइयालाल
94.	शंकर सिंह	95.	शिवनारायण	96.	शम्भू
97.	राजकुमार	98.	रामदास सुपुत्र सीता	99.	भोला सुपुत्र भागन
100.	शेखर	101.	उमा निवारी	102.	शंकर सुपुत्र सुखारी
103.	रामबचन	104.	राजकिशन सुपुत्र हीरा	105.	बिहारी
106.	रामनरेश	107.	कृष्ण	108.	खुमान सिंह
109.	चुन्नी लाल सुपुत्र गिरधारी	110.	सामीर अली	111.	हरिबंस
112.	जीतन	113.	तुलसी	114.	तूफानी
115.	त्रिवेणी	116.	नागू	117.	बमन
118.	रामकिशन	119.	पाखान्डी	120.	अमूल हसन
121.	परतमात्मा	122.	मिथई सुपुत्र गनपात	123.	मिथई
124.	कान्हाई	125.	मिन्कू	126.	शाहदेव
127.	नरसिंह	128.	बिदेशी	129.	अशर्फी
130.	चन्द्रशेखर	131.	रामबुधारे	132.	काशी
133.	बाबू लाल	134.	लाखी चन्द	135.	रामनावास
136.	सामारू	137.	सुम्नार	138.	राम प्रकाश
139.	राजवन्त	140.	परशुराम	141.	राम त्रिछ
142.	इन्दरू	143.	जामालुद्दीन	144.	राजेन्द्र
145.	राम बन्धन	146.	भाईराप्रसाद	147.	रमेश
148.	परमार्थ	149.	रामधर	150.	अरुण कुमार
151.	पाती राम	152.	सुकान	153.	लक्ष्मण
154.	गोपाल सिंह	155.	केदार नाथ	156.	गौरीशंकर
157.	गारवा राम दास	158.	गेलहू	159.	रामकिशन
160.	जोगीलाल	161.	तुलाराम	162.	जोगीलाल
163.	मुखदेव	164.	चेतलाल	165.	बाजारी
166.	रामत्रिछ	167.	नाजारी	168.	लाखन
169.	गणेश	170.	मुमई	171.	रूपचन्द
172.	बिदेशी	173.	मोतीलाल	174.	जुम्मानलाल
175.	रामचरण	176.	चुन्नी प्रसाद	177.	बालचन्द
178.	भाबू				

## अनुबन्ध "ब"

न्यूटन लिफ्टी (बी) कोलियरी : डाक घर : पारासिया  
सितम्बर, 1976, 1977 और 1978 तक बंदी लोहरों की  
हाजिरी सूची

क्रमांक	टोकन नं०	पूरा नाम
1	2	3
1.	9186	बिसन/रूखू
2.	1983	सुमेरु/गौरे
3.	1982	उमेर लाल/कामय
4.	1994	अंतराम/बिजलाल
5.	1995	राम प्रसाद/राधेसाल
6.	1996	रोशनलाल/नोराजी
7.	1998	राजमी/राठा
8.	1999	बैजनाथ/भाईयालाल

1	2	3
9.	2017	रामसिंह/जाउवा
10.	2018	एस० के० गारीम/एस० के० गफूर
11.	2019	उबयलाल/पूसुलाल
12.	2030	काशीराम/बीखे
13.	2036	परमानन्द/गोधान
14.	2037	महेश/नाथूलाल
15.	2038	सुमिरन/रूपचन्द
16.	2039	किशोर/बिहारी
17.	2041	चम्पालाल/रामा
18.	2051	सीताराम/मोहपात
19.	2052	पुनलाल/बाबू लाल
20.	2053	लक्ष्मण प्रसाद/कन्हैया
21.	2054	महेश/वर्शन प्रसाद
22.	2057	माधुत/छोटे

1	2	3
23.	2062	सुरेश/टिल्सू
24.	2063	शामी/मिक्कू
25.	2064	रमेश/घन्गू
26.	2065	काशी प्रसाद/बुद्धा
27.	1977	कोमल/जेष्
28.	1988	धनलाल/पिरम्
29.	2008	रूपलाल/गोशीम
30.	2026	पुनलाल/दोमा
31.	2016	मन्मथलाल/रामू
32.	1975	धनीलाल/वामर
33.	1976	सुरेश/मणी
34.	1973	मौलीलाल/गोधनलाल
35.	2000	रमेश प्रसाद/मटक
36.	2001	किशोर कुमार/शामलाल
37.	2003	कृष्णलाल/भानन्द
38.	1987	शामकुमार/सूरत
39.	1991	गोविन्द प्रसाद/रामचरण
40.	1997	सुखलाल/मौलीलाल
41.	2023	धनीराम/नोबोलाल
42.	1985	नारायण प्रसाद/रतम
43.	1979	हीरालाल/गयाजी
44.	1984	बालकराम/गोपी चन्द
45.	2024	सोमारी/मारफिया
46.	1974	हरीनाथ/पीताम्बर
47.	2021	सुधाकर/सीताराम
48.	1989	गणेश/शंकरलाल
49.	1981	सुकेरलाल/कूलचन्द
50.	2004	रामनारायण/राम प्रसाद
51.	2002	रमेश प्रसाद/गुमारी
52.	2009	टीकाराम/चैतु
53.	2027	गोधनलाल/तिलीकी
54.	1990	देव चन्द/गोवर्धन
55.	2028	काशीराम/सुकेजी
56.	2058	परसराम/मुलसीराम
57.	2067	शिवराम/रामधर
58.	2068	सुखलाल/महाजन
59.	2043	नन्दलाल/दीनदयाल
60.	2040	बिबादीन/रामनाथ
61.	2042	रेखनलाल/छोटेला
62.	2050	केकन/छोटेला
63.	2056	लालजी/नागो
64.	2049	मिनीब/छोटेला
65.	2061	गुरु प्रकाश/उदकुर्वा
66.	2046	जसबन्तराम/शामराव
67.	2066	कृष्ण/विमण
68.	2059	बुजलाल/बोन्
69.	2045	परसराम/पाखू
70.	2044	शालीगराम/मामसिंह
71.	2055	सुरेश/रामचंकर
72.	1980	नारायण/भालदू
73.	2010	वीण/बाहारी
74.	1972	सीताराम/बदणू

1	2	3
75.	2033	बुबेलाल/चैतराम
76.	2034	धनरलाल/पुन

[नं० एल०-22013/4/79-डी०-4 (बी)]

शशि मूरग, डेस्क अधिकारी

## ORDER

New Delhi, the 23rd March, 1979

S.O. 1122. —Whereas an industrial dispute exists between the management of Newton Chickli 'A' & 'B' Collieries of Western Coalfields Limited, Pench Area, P.O. Parasia, District Chhindwara (M.P.) and their workmen represented by Bhartiya Koyla Khadan Mazdoor Sangh (BMS) Chhindwara;

And, whereas, the said employers and their workmen have by a written agreement under sub-section (1) of Section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement;

Now, Therefore, in pursuance of sub-section (3) of Section 10A of the said Act, the Central Government hereby publishes the said agreement which was received by it on the March, 1979.

## AGREEMENT

(Under Section 10A of the Industrial Disputes Act, 1947)

## BETWEEN

Name of parties:

- Representing employers: 1. Shri C.B. Jain,  
Agent,  
Newton Chickli Collieries Co.,  
Western Coalfields Limited,  
Pench Area,  
Parasia,  
Distt. Chhindwara (M.P.)
2. Shri R.L. Sharma,  
Personnel Manager,  
Western Coalfields Limited,  
Pench Area,  
P.O. Parasia,  
District Chhindwara (M.P.)
- Representing union: 1. Shri Shivbaran Singh,  
President,  
Bhartiya Koyla Khadan  
Mazdoor Sangh (B.M.S.)  
P.O. Chandametta,  
District Chhindwara (M.P.)

It is hereby agreed between the parties to refer the following dispute to the arbitration of Shri T.T. Tayade, Retd. Deputy Chief Labour Commissioner (Central).

"Whether the demand of the union for regular employment to 254 casuals/badlis (178 of Newton Chickli 'A' Colliery and 76 of Newton 'B' Colliery) whose names are mentioned in Annexure 'A' & 'B', is justified or not; if justified, to what relief they are entitled to."

1. Name and address of the Western Coalfields Limited,  
management. Pench Area, Post Office  
Parasia, District Chhindwara (Madhya Pradesh)

2. Name and address of the union representing the workmen. **Bhartiya Koyla Khadan Mazdoor Sangh (B.M.S.).**  
Post Office Chandametta,  
District Chhindwara (Madhya Pradesh).
3. Establishment involved. **Newton Chickli 'A' and Newton Chickli 'B' Collieries.**
4. Name of the union. **Bhartiya Koyla Khadan Mazdoor Sangh (BMS).**
5. Total number of workers employed in the undertaking. **3062.**
6. Estimated number of workers affected or likely to be affected by the dispute. **254.**
- We further agree that the decision of the arbitrator shall be binding on us.

The Arbitrator shall make his award within a period of 2 months or within such further time as extended by mutual agreement between the parties in writing.

## SIGNATURE OF THE PARTIES

1. Representing employer:

Sd/-  
(C.B. Jain)

2. Representing workmen:

Sd/-  
(R.L. Sharma)  
Sd/-  
(Shivbaran Singh)

Witnesses: Sd/- (Illegible).

Sd/- (illegible)

Dated : 2-3-79.

Parasia.

## ANNEXURE 'A'

## ANNEXURE TO ARBITRATION AGREEMENT DATED

## NEWTON CHICKLI 'A' COLLIERY

- |                             |                            |                          |
|-----------------------------|----------------------------|--------------------------|
| 1. Raghunath                | 2. Tilakram                | 3. Ramesh                |
| 4. Gokal                    | 5. Hiranman                | 6. Lokhoo                |
| 7. Chaitram                 | 8. Jaswant                 | 9. Sukhram               |
| 10. Doulat                  | 11. Gulab Kishori          | 12. Kishan               |
| 13. Jadoo                   | 14. Suresh                 | 15. Tulsiram             |
| 16. Fagoolal                | 17. Roopchand              | 18. Ajabsingh            |
| 19. Darsanlal               | 20. Nanho                  | 21. Kaliram              |
| 22. Gyansha                 | 23. Raylal                 | 24. Salim                |
| 25. Mansingh                | 26. Chhoteylal             | 27. Sk. Istiyak          |
| 28. Ram Suhawan             | 29. Satish Kumar           | 30. Sukhlal              |
| 31. Muktar                  | 32. Ishraqulla             | 33. Nagendra             |
| 34. Sk. Ishrail             | 35. Nazir                  | 36. Shankarlal           |
| 37. Hafiz Khan              | 38. Chhedilal              | 39. Ramdeen              |
| 40. Marchhoo                | 41. Mohammed Ali           | 42. Roopchand            |
| 43. Bhojlal                 | 44. Sidh Gopal             | 45. Sheocharan           |
| 46. Ramnath                 | 47. Zaheer Khan            | 48. Guru Prasad          |
| 49. Sk. Hasib               | 50. Hanif                  | 51. Sk. Jalil            |
| 52. Chhedilal Rambagas      | 53. Sobbelal               | 54. Manesh               |
| 55. Mohd. Zahir             | 56. Ramdheen (Dhonda)      | 57. Santoolal            |
| 58. Omprakash               | 59. Rajulkhan              | 60. Sukhram              |
| 61. Kadar Beg               | 62. Balram                 | 63. Magusood             |
| 64. Vijay Kumar             | 65. Sumanlal               | 66. Dujeylal             |
| 67. Anwar Khan              | 68. Vinod Kumar            | 69. Sukhdas              |
| 70. Ramesh S/o Churan       | 71. Deepak                 | 72. Dasroo S/o Tuli      |
| 73. Foolsingh               | 74. A. Wahid               | 75. Hari Prasad          |
| 76. Bazari S/o Fuljhar      | 77. Lakhman                | 78. Indal                |
| 79. Dharamchand             | 80. Gulab S/o Tularam      | 81. Ramdas               |
| 82. Rafique                 | 83. Samua                  | 84. Chhiddilal           |
| 85. Tejju                   | 86. Hirachand              | 87. Sawarilal            |
| 88. Achhey Kumar            | 89. Lakhman S/o Murat      | 90. Shankar S/o Bihari   |
| 91. Maqubool                | 92. Kishanlal S/o Mohanlal | 93. Bhayalal             |
| 94. Shankar Singh           | 95. Sheonarayan            | 96. Shambhoo             |
| 97. Ramkumar                | 98. Ramdas S/o Sita        | 99. Bhola S/o Bhaggan    |
| 100. Shekhar                | 101. Uma Tiwari            | 102. Shankar S/o Sukhari |
| 103. Rambachan              | 104. Ramkrishan S/o Hira   | 105. Bihari              |
| 106. Ramnaresh              | 107. Krishna               | 108. Khuman Singh        |
| 109. Chunnilal S/o Girdhari | 110. Sabir Ali             | 111. Haribansh           |
| 112. Jittan                 | 113. Tuli                  | 114. Tufani              |
| 115. Triveni                | 116. Nagoo                 | 117. Basant              |
| 118. Ramkishor              | 119. Pakhandi              | 120. Anul Hasan          |

121. Partmatma	122. Mithai S/o Ganpot	123. Mithai
124. Kanhai	125. Jhinkoo	126. Sahdeo
127. Narsingh	128. Bideshi	129. Asharifi
130. Chandrasekhar	131. Ramduarey	132. Kashi
133. Babulal	134. Lakhichand	135. Ramnawash
136. Samaroo	137. Summar	138. Ramprakash
139. Rajwant	140. Parsuram	141. Rambrichh
142. Inroo	143. Jalaluddin	144. Rajender
145. Rambandhan	146. Bhairagrasan	147. Ramesh
148. Parmarath	149. Ramadhar	150. Arun Kumar
151. Patiram	152. Sukal	153. Laxman
154. Gopal Singh	155. Kedaranath	156. Gourishankar
157. Sharda Ramdas	158. Gelhoe	159. Ramkishan
160. Jogilal	161. Tularam	162. Jogilal
163. Sukhdeo	164. Chetlal	165. Bazari
166. Rambrichh	167. Nazari	168. Lakhani
169. Ganesha	170. Sumai	171. Roopchand
172. Bideshi	173. Motilal	174. Jumanlal
175. Ramcharan	176. Chunni Prasad	177. Balchand
178. Jhadoo		

## ANNEXURE 'B'

NEWTON CHICKLI (B) COLLIERY : P.O. PARASIA  
Attendance List of Badli Loaders upto September 1976, 1977 and  
1978

S. No.	T.No.	Name in full
1.	9186	Bishnu/Roosu
2.	1983	Sumersha/Gorey
3.	1992	Umerlal/Kamadh
4.	1994	Antram/Brijlal
5.	1995	Ram Pd/Radheylal
6.	1996	Roshanlal/Noraji
7.	1998	Ramji/Rachha
8.	1999	Baijnath/Bhalyalal
9.	2017	Ramsingh/Zauwa
10.	2018	S.K. Garim/S.K. Gafoor
11.	2019	Udelal/Poosulal
12.	2030	Kaliram/Chokhey
13.	2036	Parmannand/Godhan
14.	2037	Mahesh/Nathulal
15.	2038	Sumiran/Kapurchand
16.	2039	Kishore/Bihari
17.	2041	Champalal/Rama
18.	2051	Sitaram/Mohapat
19.	2052	Puranlal/Babulal
20.	2053	Laxman Pd./Kanhaiya
21.	2054	Mahesh/Darshan Pd.
22.	2057	Malot/Chhotey
23.	2062	Suresh/Tiloo
24.	2063	Gyani/Bhikkoo
25.	2064	Ramesh/Dhannoo
26.	2065	Kashi Pd/Budha
27.	1977	Komal/Jethoo
28.	1988	Dhanlal/Pirmoo
29.	2008	Rooplal/Goshin
30.	2026	Pooranlal/Doma
31.	2016	Makhanlal/Ramoo
32.	1975	Amilal/Damroo
33.	1976	Suresh/Mani
34.	1973	Motilal/Godhanlal
35.	2000	Ramesh Pd/Matroo
36.	2001	Kishorekumar/Shamlal
37.	2003	Kundanlal/Anand

Sl.No.	T.No.	Name in full
38.	1987	Shamkumar/Surat
39.	1991	Govind Pd/Ramcharan
40.	1997	Sukhlal/Mahilal
41.	2023	Amirchand/Nokheylal
42.	1985	Narayan Pd/Ratan
43.	1979	Hirala./Gayaji
44.	1984	Balakram/Gopichand
45.	2024	Somari/Markiya
46.	1974	Harinath/Pitamber
47.	2021	Sudhaker/Sitaram
48.	1989	Ganesh/Shankarlal
49.	1981	Sukerlal/Fulchand
50.	2004	Ramnarayan/Ram Prasad
51.	2002	Ramesh Pd/Gumari
52.	2009	Tikaram/Chaitoo
53.	2027	Godhanlal/Tiloki
54.	1990	Deochand/Gowardhan
55.	2028	Kashiram/Sukerji
56.	2058	Parashram/Tulsiram
57.	2067	Sheoram/Ramdhari
58.	2068	Sukhlal/Mahajan
59.	2043	Nandlal/Dindayal
60.	2040	Bindadin/Ramnath
61.	2042	Rokhanlal/Chhoteylal
62.	2050	Fekan/Chhoteylal
63.	2056	Laldi/Nago
64.	2049	Nishid/Chhoteylal
65.	2061	Guruprakash/Udkuda
66.	2046	Jaswantram/Shamrao
67.	2066	Krishna/Deoman
68.	2059	Brijlal/Dongu
69.	2045	Parashram/Thaloo
70.	2044	Shaligram/Mansingh
71.	2055	Suresh/Ramashankar
72.	1980	Narayan/Bhaltoo
73.	2010	Dina/Lahari
74.	1972	Sitaram/Badloo
75.	2033	Dubeylal/Chaitram
76.	2034	Amarlal/Puran

[No.L-22013(4)/79-D.IV(B)]

SHASHI BHUSHAN, Desk Officer



New Delhi, the 24th March, 1979

**S.O. 1123.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of Eastern Zone Syndicate and their workmen, which was received by the Central Government on the 6th March, 1979.

A. K. ROY, Under Secy.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, DHANBAD**

In the matter of a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947.

**Reference No. 11 of 1974**

**PARTIES :**

Employers in relation to Messrs Eastern Zone Syndicate, Contractors of Ghatkuri Iron Ore Mine of Messrs Rungta Mines (Private) Limited, Post Office Barajamda, District Singhbhum.

**AND**

Their Workmen.

**PRESENT :**

Present :

Shri S. N. Johri, Presiding Officer.

**APPEARANCES :**

For the Employers—Shri S. S. Mukherjee, Advocate, with Shri D. Mukherjee, Advocate.

For the Workmen—Shri Lalit Burman, Secretary, Indian Mine Workers Federation.

State : Bihar.

Industry : Iron Ore

Jabalpur, dated, the 27th February, 1979.

**AWARD**

This is a reference made by the Government of India in the Ministry of Labour vide its Order No. L-26011/5/74-LR-IV, dated 31-8-1974, for the adjudication of the following industrial dispute :

"Keeping in view the rise in prices of essential commodities and the All India Average Consumers Price Index Number whether the demand of the workers of Messrs Eastern Zone Syndicate Contractors of Ghatkuri Iron Ore Mine of Messrs Rungta Mines (Private) Limited, Post Office Barajamda, District Singhbhum for increase in their basic wage, Dearness Allowance and Variable Dearness Allowance is justified ? If so, to what relief are the workers concerned entitled and from what date ?"

2. It is not disputed that Ghatkuri Iron Ore Mine is being operated by the Contractor named in the reference. There is no direct relationship of employer and employee between the owner company and the workers, who are the employees of the Contractor company. However owner company was impleaded as proforma party by my predecessor for effective adjudication of the dispute. The wage structure recommended by the Central Coal Wage Board for Iron Ore industry was not accepted by the employer of this mine. Previously a consolidated wage, supplemented by a fringe benefit of supply of 4 kgs. of rice per week at subsidised rate, was being given to the workers but subsequently the supply of rice was discontinued for certain reasons.

3. M/s. Francis Bhongra, Badan Munda, Bhakul Kote, Bamacharan Deogam, Bhim Singh Munda, Hari Pado Kalo, Abhiram Sirka, miners, said to be elected representatives of the whole lot of workers employed in Ghatkuri Iron Ore Mine, gave the strike notice on 15-1-1974 raising a charter of 12 demands. The Conciliation Proceedings ultimately resulted in failure and the failure report was signed by the

1310 GI/78—9

Conciliation Officer on 29-1-1974. The workers abstained from proceeding on strike. Before the Government of India made the reference on 31-8-74 the employer entered into a settlement on 8-7-74 at Chaibasa, with Sri Nakul Guha, General Secretary of the registered and recognised union known as United Mineral Workers Union (affiliated to CITU) and its member Sri Hari Pado Kalo as well as Sri Francis Bhongra, these two being from the lot of seven representative workers who had given this strike notice on behalf of whole body of the workmen. These latter two then signed it as attesting witnesses. As per recital in the settlement they had participated in the settlement negotiations. According to that settlement Ext. W-8 the management agreed to give the increase in the rate of wages by 0.58 paise per box of 20 cft ore and 0.81 paise per 100 cft of each, making the new rate at 3.80 per box of 20 cft of ore and Rs. 5.10 paise per box of 100 cft of earth with effect from 5-7-74, in lieu of the supply of subsidised rice. Copies of said settlement were sent to the Asstt. Labour Commissioner (Central), Regional Labour Commissioner (C), Chief Labour Commissioner (C) and the Government of India on 10-7-74. The Government, however, made the present reference on 31-8-1974.

4. The case of the workers is that in 1967 when the consumer price index was 166 the management introduced a wage structure. By April 1973 the index rose to 269 and in April 1974 it swelled to 344, yet the wages remained unchanged. The recommendations of Wage Board for iron ore industry were not implemented. The workers demanded Rs. 260 as basic monthly wage plus Rs. 45 as fixed D.A. at the Consumers price index number 246 as minimum with V.D.A. at the rate Rs. 1.30 per month for every point of increase in price index. This was alleged to be more necessary because the management withdrew the facility of supply of rice at subsidised rate since 1974. The General Secretary of United Mineral Workers Union (CITU) had no locus standi to enter into any settlement on 10-7-74 because none of the workers of this industry was member of that union. Signatures of two workmen named Sri Haripado Kalo and Sri Francis Bhongra were obtained on that settlement fraudulently and by questionable methods after stoppage of subsidised rice.

5. The employer (Contractor) has challenged the validity of the reference on the ground that :—

- (i) the Government of India being not the appropriate Government was not competent to make it;
- (ii) The industrial dispute never came into existence because :—

(a) those seven miners who raised the dispute had no representative capacity;

(b) in the total strength of 119, of whom 105 are miners, those seven miners could not be deemed to be forming a 'substantial number of workmen' specially when out of those seven, four have left the job and two others have signed the settlement. In the ultimate analysis only one worker could not whip out an industrial dispute; and

(c) no dispute was directly raised with the management. The strike notice was addressed to the Manager when the company had no man of that designation (this point was not pressed in arguments).

6. On merits it is alleged that both the present financial position and the future prospect of the employer company were bleak as the ore is to be supplied to the monopoly purchaser M.M.T.C. at the price fixed by it. Production, despatch and labour strength have fallen. An appreciable increase in wage will eat away the meagre profit and will push out the employer of this small undertaking, from the field of iron ore mining. The wage structure given by this employer company compares favourably with the other comparable concerns of the region.

7. The owner company has pleaded no liability for want of employer—employee relationship between it and the workers.

8. The mathematical elimination of the number of seven sponsoring workmen who were initially armed with representative powers, (four left the services as per statement of

Chandi Prasad Sharma MW-3 and out of the remaining three Sri Haripado Kalo and Francis Bhongra have signed the settlement. Only Bhim Singh remains), may not create any inherent weakness in the character of industrial dispute as the criteria of the number of sponsoring workmen and, if the dispute is sponsored by a union, then their majority or minority character, are relevant only when an individual dispute is sought to be converted into an industrial dispute. In the present case the dispute about the wage structure was from its very nature a dispute of general character affecting the whole lot of the workers employed in the industry. It was not a dispute of an individual workman and as such there was no question of the element of support of a particular number of workmen as a pre-requisite for treating it as an industrial dispute. The whole lot of cases decided by the Supreme Court where some retrenchment or dismissal type or individual dispute was sought to be converted into an industrial dispute, are not relevant to the facts and circumstances of the present case. It was held by Madras High Court in Southern India Tannery, Tiruchirapalli vs. Industrial Tribunal, Madras 1969 (18) F. L. R. (84) at page (86) that :—

“a dispute about the necessity to form a gratuity scheme for the workers of the concern is, from the outset, a collective industrial dispute and there is no question of the necessity of sponsoring such a dispute either by the majority of workers of the concern or by the substantial number of them, before a reference can be made to the Industrial Tribunal to deal with it.”

9. Following the principle so enunciated and looking to the very nature of the dispute it is held that irrespective of the member now supporting the demand, the dispute is and continues to remain an industrial dispute within the meaning of Sec. 2(k) of the Industrial Disputes Act. It will not be out of place to mention that the dispute was raised by the seven workers who were duly elected in a meeting by a resolution which was thumb marked by as many as 183 workers vide Ext. W-3. It has been proved by Sri Santosh Kumar Rao MW-1 as well as by Sri Haripado Kalo WW-2. The dispute once validly raised by the representative members of the whole body of workers as said above will not lose its character simply because after the reference some of those representatives either left the job or were turned out of the employment. The challenge to the validity of the reference on this count is therefore not tenable.

10. The settlement of 8th July, 1974 Ext. M-8 however creates a different situation. Sri Haripado Kalo WW-2 has admitted his signature on that settlement in his cross-examination. The allegation, that Haripado Kalo and Francis Bhongra were made to sign it fraudulently or by questionable methods, is not established. The document goes to show that these two representatives who had been elected by the whole body of workers vide Ext. W-3, were as such participating in the negotiations for the settlement. Moreover this settlement was between the management and representative of the owner on one side, and by Sri Nakul Guha as General Secretary of the recognised union and the two workers elected representatives of the body of workers on the other side. This union was recognised at the instance of Asstt. Labour Commissioner (Central), Chaibasa when he wrote the memo Ext. M-7 and in deference thereof the recognition was accorded by the management by letter Ext. M-12 addressed to Sri Nakul Guha. It is not a fact that no worker of this industry was the member of that union. In fact Santosh Kumar Rao and Haripado Kalo WW-1 and WW-2 respectively, have admitted that they were the members of that union. No union is recognised by the management as representative of the employees unless it has some membership in the industry. This was thus a settlement between the management and those who had a right and authority to represent the whole lot of the workmen. The settlement is in proper form as required by Rule 58 of Industrial Disputes Rules (C). Copy of the settlement was sent to various authorities as well as to the Government as required by the law. It was thus a binding settlement which wiped out the dispute that had been raised by the strike notice and sponsored by seven elected representatives of the whole body of the workmen in January 1974. Even if it is held to be a settlement falling under the category of Sec. 18(1) of the Industrial Disputes Act it will be binding on all workers because even those who had raised the dispute as elected representatives of the whole body of workmen were a party to it.

11. Alternatively I am inclined to hold that the settlement was in fact a settlement falling within the mischief of Sec. 18(3) of the Industrial Disputes Act having and extended scope and coverage of making it binding on all workers in the industry because the settlement was arrived at during the course of conciliation proceedings. Admittedly conciliation proceedings started in the early part of January 1974 when the strike notice was served. The failure report purports to have been drafted and signed on 29-1-74. However, there is no evidence that it was despatched by the Conciliation Officer that very day or on any subsequent date before the aforesaid settlement was signed. In the absence of such evidence of despatch of the failure report on any particular date, no presumption can be raised that it must have been received by the Central Government in due course on or before the date on which the settlement was signed. See Workers of Industry Colliery vs. the Industry Colliery 1953(1) L.L.J. 190 S. C. Section 20(2) of the Industrial Disputes Act says that the Conciliation Proceedings shall be deemed to have been concluded when the failure report is 'received by the Government'. As said above there is no evidence that it was so received on or before 8-7-74 when the settlement was signed. As such it shall be deemed that the settlement was arrived at between the parties during the pendency of the conciliation proceedings within the meaning of Section 18(3) of the Industrial Disputes Act and is binding on all workmen.

12. According to Section 19(3) of the Industrial Disputes Act the settlement continues to remain binding on all workmen unless it is terminated on a specific date by a notice in writing. Admittedly no such notice was given on any day between the date of settlement i.e. 8-7-1974 and the date of reference i.e. 31-8-1974. Without such a notice no industrial dispute can be raised. Hence it is clear that no valid industrial dispute was in existence on the date on which reference was made by the Government of India. The reference is thus invalid and the Tribunal has no jurisdiction to adjudicate upon this dispute.

13. Even then as my predecessor summarily discarded the settlement and gave the award and the Hon'ble High Court remained the case without adverting to this aspect of the matter, perhaps because the attention of the Hon'ble High Court was not drawn towards this point, I proceed as follows to record my findings on the question of fixation of wage structure in order to save fresh remand if the superior Court fails to agree with my view of the effect to the settlement on the validity of the reference.

14. Learned predecessor diverted himself to the fixation of minimum wage. That was not the reference. Basic wage (expression used in the schedule of the reference) cannot be confused with the minimum wage. Hence High Court had to set aside the award and remand the case. Both sides have now agreed before me that the reference is not for fixing minimum wage; it only seeks the fixation of fair wage. The considerations for the fixation of fair wage are materially different from the considerations which govern the fixation of minimum wage. At the bottom of the ladder there is minimum wage which the employer of any industry must pay in order to be allowed to continue in the industry. Above this is the fair wage which may probably be said to be the need based minimum in a sense of wage which is adequate to cover the normal needs of an average employee regarded as a human being of a civilised society. Above the fair wage is the living wage—a wage which will maintain a workman in the highest state of industrial efficiency which is only a dream of the future so far as our country is concerned.

15. Based on the pronouncements of the Supreme Court the High Court has laid down the guidelines in the remand order while fixing a wage structure, a balance has to be struck between the capacity of the employer's financial position to absorb the wage increase and the demands of the living conditions of the workmen. The Supreme Court has further said in other cases that the wage structure may be determined on industry-cum-region basis. In Novex Dry Cleaner vs. Its Workmen 6 S. C. L. J. 4159 it has held that comparability of units of the region should be determined having regard to the comparative strength of the labour employed in those industries, extent of customer available to them, extent of the profits earned and the state of their financial position reflecting upon their capacity to meet the additional burden of the wage increase. In the present case the management has proved the wage structures prevailing in Ratanlal Tarachand Iron Ore Mine, Bijoy Iron Ore Mines.

Karampada Iron Ore Mine. New Karampada Iron Ore Mine and Thakurani Iron Ore Mine vide documents Exts. M-2 to M-6 respectively, proved by the statement of Shri S. Dutta of Asstt. Labour Commissioner's office. It is true that these documents gave no indication about the strength of labour, availability of customer and the financial position, yet largely speaking they can be termed as comparable industries operating in the region. It has been said by the Supreme Court in *Indian Oxygen Ltd. vs. The Workmen* 6 S. C. L. J. 4125 that if there are no comparable concerns in the true sense of the term, the Tribunal would be justified in looking for comparison at concerns which are nearly similar. Hence, I would like to compare the wage structures prevailing in these nearly similar concerns.

16. The comparative Chart, Annexure I to this award, will go to show that during the relevant years of 1973, 1974 and 1975 the wage structure, of Ghatkuri Iron Ore Mines of M/s. Rungta Mines (Pvt.) Ltd. (employer industry) was almost the highest or atleast compared favourably with these other iron ore mining industries. After this evidence the burden shifted on the workmen to show and produce some other wage structures of other mining industries, if any, operating in that region in iron ore mines, if they had wage structures on the higher side during that period. No such higher wage structure of comparative units has been proved by the workmen.

17. Sri R. C. B. Srivastava MW-4 was questioned about the existence of Gua, Kiriburu and Bolani Iron Ore Mines existing in that region but he said that those were not comparable units because they were mechanised mines as compared to Ghatkuri Mine in question and moreover they were captive mines of some iron or steel industries. Their financial position was therefore altogether different as compared to the financial position of the Contractor in question. Mere putting such a question in cross-examination is not sufficient to establish that those mines were having comparably higher wage structures. It was necessary to actually produce and prove the wage structures obtaining in those mines. I am therefore of the view that weighed on the scale of industry-cum-region basis the wage structure obtaining in this mine does not call for an appreciable change.

18. Now let us see from the angle of the financial capacity of the employer as to how much wage rise can be absorbed looking to the profits that the contractor earned. Supreme Court has said in *Hindustan Hosiery Industries vs. F. H. Lala & others* 1974 (II) S. C. L. J. 456, that in fixing a revised wage rate of piece rated workers the adjudicator should see 'the vital interests of the industry whose viability and prosperity are also the main-stay of the labour.' Annexure II attached to his award will show that from 1969 to 1977 vide Ext. M-25 to M-30 respectively on an average 162 persons were employed in a year and average working days in a year were 307. Looking to the wage-sheets produced by the management for a period from February to July 1978 it appears that absenteeism had been about 35 per cent of the working days or even more at times thus 65 per cent of the working days can be taken to be the man-days which come to about 200 in a year. From the assessment notices for the years 1974-75 to 1977-78 Ext. M-19 to 21 respectively the average total income comes to about Rs. 21,960, vide Annexure III to this award. If this average income is divided by the average number of the workmen employed and the average man-days it will indicate in the result the maximum per day increase in wage of an individual worker which will be sufficient to eat away all the profits of the contractor, 21860 divided by 800x162—about Re. 0.67 p. Thus if 67 paise wage increase per day or 33 paise per tub increase, taking the average production of 2 tubs per day of 20 cft. vide calculations made in Annexure II to this award, by two methods, both giving the same result, would eat away all the profits of the contractor firm and they will therefore in that case, be compelled to leave the trade. The O. M. S. of 2 tubs production (per day per man) has been fixed after taking into consideration the average production per man-day as in large number of cases the workers have given much more production. It has been fixed having regard to the fact that O. M. S. fixed for a piece rated worker

should not 'drive the worker to fatigue to the limit of exhaustion,' as was cautioned by the Supreme Court in *Hindustan Hosiery Industry vs. F. H. Lala & others*. (Ibid).

19. However, looking to the erosion of the purchasing power of the workmen due to the rise in price index and rise in the prices of essential commodities it appears necessary that while balancing the competing claims some wage rise should be given by the contractor firm to the workmen sharing a part of the profits with them. Consumer price index in the year 1974 was 304 and average of consumers price index from January to August 1978 comes to 325. Thus, since the day of settlement the consumer price index had gone up by 21 points. If wage rise is given at the rate of Rs. 0.04 paise per rise of 2 points in consumer price index, it will come to 42 paise per day or 21 paise per box of 20 cft. (one tonne), which can be rounded off 20 paise. In the report of the Wage Board for iron ore mining industry 0.06 paise increase per rise of two points in consumer price index has been proposed but that rate of increase cannot be approved for this industry because it will mean a wage increase of 0.63 paise per day and as per calculations in Annexure II it will eat away all the profits and will drive the employer out of the industry. Re. 0.04 p. increase per rise of two points also compares well with the recommendations of the Wage Board under the peculiar financial circumstances of this employer.

20. I am thus of the opinion that the present wage should therefore be fixed at Rs. 3.80+0.20=Rs. 4/- per box of 20 cft. with the O. M. S. of 2 boxes per day. This 40 paise per day increase would still leave a margin of profit of 27 paise to the contractor reducing his total income to a bit less than a half of the average annual income. This sort of adjustment may still keep the contractor in the field and may help him to continue to run the industry though on marginal profits. That will be in the interest of workers as well.

21. It is, therefore, held that, keeping in view the rise in prices of essential commodities and All India Average Consumers Price Index Number, the contractor M/s. Eastern Zone Syndicate, should give a wage rise of 0.20 paise per box to the miners employed in Ghatkuri Iron Ore Mine of M/s. Rungta Mines (Pvt.) Ltd., inclusive of D.A. etc. Looking to the financial condition of the employer V. D. A. cannot be fixed because Annexure II will show that the industry is not having good prospects. There has been a regular fall in the number of workers engaged and the ore raised by the company. Similar proportionate wage rise can be given to the workmen for earthwork. As for the date from which the rise should be made effective the Supreme Court said in *Hindustan Times Ltd. vs. Their Workmen* 6 S. C. L. J. 4143 (4158) that :—

"No general formula can be laid down as to the date from which a Tribunal should make its award effective. That question has to be decided by the Tribunal on a consideration of the circumstances of each case."

In the present case the rise shall be effective from the date of publication of this award as granting it from retrospective effect would cast a very heavy and rather unbearable burden of accumulated arrears on the already shattered financial position of the employer who has not resorted to tactics of prolonging this litigation unreasonably. In the interest of industrial peace the employer would be well advise to implement this wage increase in spite of the fact that the reference is being rejected on technical grounds.

22. Thus, recording my findings on the merits, it is held that the reference is invalid and not maintainable in law. The award is given accordingly.

Sd./-

S. N. JOHRI, Persiding Officer.

## ANNEXURE I

Comparative Chart showing wages of Miners per box of 20 cft ore (one tonne)

Name of the industry operating Iron Ore mine in or near Ghatkuri region	Rattan-lal Tarachand	Bijoy Iron Ore Mine	Karampada Iron Ore Mine	New Karampada Iron Ore Mine	Thakurani Iron Ore Mine	Ghatkuri Iron Ore Mines of M/s. Rungta Mines (Pvt.) Ltd. (Mines under reference)
Reference to Exhibit number	M/2	M/3	M/4	M/5	M/6	M/1
1	2	3	4	5	6	7
Year	Wages	Wages	Wages	Wages	Wages	Wages
1973	Rs. 2.60	Rs. 3.37	Rs. 2.00+0.87 (allowance) = Rs. 2.87	Rs. 2.00+0.87 (allowance) = Rs. 2.87	3.25 for 25 cft = 2.60 for 20 cft.	3.22+0.33 = 3.58 (rice subsidy)
1974	-do-	-do-	-do-	-do-	-do-	3.80 (by settlement) (0.22 paise wage increase given)
1975	Rs. 2.75	-do-	2.12 + 1.74 (allowance) = 3.86	2.00 + 1.00 = 3.00	-do-	-do-

## ANNEXURE II

Chart showing working days, average man-days. Raising and number of miners engaged

(showing average O.M.S.)

## FIRST METHOD

Year	Working days	Raising in tonnes	Average number of workmen engaged	Refer exhibit number
1969	305	1,15,862	271	M/25
1971	307	72,855	220	M/26
1972	307	70,897	193	M/27
1973	308	45,289	173	M/28
1976	310	33,958	71	M/29
1977	308	31,747	73	M/30
Total 6 Years :	1845	3,70,608	970	
Average after dividing the totals by 6	307	61,768	162	

Looking to almost 35% absenteeism (approximately) as per wage sheets from February to July, 1978 the approximate man-days would be 65% of 307 (average working days) = 200 man-days in the year.

Average Raising  
man-days × Miners employed = Raising per workman per day.

i.e.  $\frac{61768}{200 \times 162} = 1.9$  tonnes rounded to 2 tonnes or 2 boxes of 20 cft. per day O.M.S.

## SECOND METHOD

Calculating O.M.S. by random checking of wage sheets

Mine No.	Wage sheet week ending (week of 6 working days)	Number of miners employed	Total work days	Total absenteeism
1	2	3	4	5
JHIA . . . . .	27-4-78	77	77 x 6 = 462	149
JHI . . . . .	4-5-78	77	77 x 6 = 462	214
JHIB . . . . .	27-7-78	24	24 x 6 = 144	26
JHI . . . . .	30-3-78	55	55 x 6 = 330	135
JHI . . . . .	23-3-78	55	55 x 6 = 330	120
JHI . . . . .	16-3-78	55	55 x 6 = 330	95
Total man days	Total Raising	O.M.S.		
6	7	8		
462-149=313	671 tonnes	617÷313=2.1	tonnes per man per day.	
466-214=252	451	451÷248=1.8	-do-	
144-26=118	212	212÷118=1.8	-do-	
330-135=195	468	468÷195=2.4	-do-	
330-120=210	414	414÷210=2.0	-do-	
330-95=235	497	497÷235=2.1	-do-	

12.2 divided by 6 = 2 Tonnes  
or 2 boxes of 20 cft. per man per day O.M.S.

## ANNEXURE III

Chart showing year income of the employer

(Based on income tax returns &amp; notices)

Assessment year	Total income	Exhibit No.
1974-75 . . . . .	24,530.00	
1975-76 . . . . .	17,370.00	M/19
1976-77 . . . . .	24,050.00	M/20
1977-78 . . . . .	21,480.00	M/21
Total . . . . .	87,430.00	

87,430 divided by 4 years = 21,860.00 —Average annual income.

Profits (Average Taxable income)

Man days x Average number of miners employed. = Maximum increase in wages per day which will eat away all profits.

21860  
i.e.  $\frac{21860}{200 \times 162} = 0.67$  paise increase per day of 2 boxes O.M.S. or 0.33 paise per box.

Therefore if a bit more than half the profits are drawn for wage increase for partially improving the lot of workers in view of erosion of their purchasing power due to rise in prices of essential commodities and rise in price index then the maximum reasonably permissible increase can be 0.20 paise per box.

[No. L-2604/5/74-LR. IV/D III B]  
A. K. ROY, Under Secy.

707-21115  
7/1/78

